

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 5690/2020

Date of Institution ... 10.06.2020

Date of Decision ... 18.01.2022

Pir Jan Alam Ex-Senior Clerk Paramedical Institute of Technology (PIMT) Dera  
Ismail Khan. ... (Appellant)

VERSUS

Secretary Health Khyber Pakhtunkhwa Peshawar and others.  
... (Respondents)

Roeeda Khan,  
Advocate ... For Appellant

Javed Ullah,  
Assistant Advocate General ... For respondents

**AHMAD SULTAN TAREEN** ... **CHAIRMAN**  
**ATIQU-UR-REHMAN WAZIR** ... **MEMBER (EXECUTIVE)**

**JUDGMENT**

**ATIQU-UR-REHMAN WAZIR MEMBER (E):-** Brief facts of the case are that the appellant while serving as a Senior Clerk, was proceeded against on the charges of misconduct and was ultimately awarded with major punishment of removal from service vide order dated 21-02-2020, against which the appellant filed departmental appeal dated 06-03-2020, which was not responded within the statutory period, hence the instant service appeal with prayers that the impugned order dated 21-02-2020 may be set aside and the appellant may be re-instated in service with all back benefits.

02. Learned counsel for the appellant has contended that the appellant has not been treated in accordance with law, hence his rights secured under the Constitution has badly been violated; that there is no proof and evidence available

with respondents against the appellant regarding the allegations leveled against the appellant; that no opportunity of personal hearing or defense has been afforded to the appellant and the appellant was condemned unheard; that neither statement of any witness was recorded in presence of the appellant nor the appellant was afforded opportunity to cross-examine such witnesses, thus skipped a mandatory step as prescribed in law; that the appellant is not competent authority to make appointments; that the penalty so awarded is harsh which does not commensurate with gravity of the guilt.

03. Learned Assistant Advocate General for the respondents has contended that disciplinary proceedings against the appellant were initiated on 14-11-2019 and the inquiry committee found the appellant involved in dealing of a fake appointment order/recruitment of one Mr. Muzamil; that the appellant was found working as a middle man in issuance of fake appointment order; that the inquiry committee found that the appellant had taken Rs. 300000/ from father of Muzamil and gave it to other official Fayaz, who provided fake appointment order to father of Muzamil; that role of the appellant was very vital in the issue and he was required to be dealt with accordingly; that before imposition of major penalty, all codal formalities were fulfilled, the appellant was properly charge sheeted, proper inquiry was conducted and the appellant was afforded appropriate opportunity of defense, but the appellant utterly failed to prove his innocence.

04. We have heard learned counsel for the parties and have perused the record.

05. Record reveals that the appellant was posted as senior clerk in the office of Paramedical Institute of Technology (PITM) DIKhan. A fake appointment order in respect of one Mr. Muzamil, who was son of a retiring class-iv employee and who otherwise, was eligible to be appointed against the post on retired son quota was handed over to him, upon which Mr. Muzamil reported his arrival in the office of Public Health School D.I.Khan, but his appointment order was sent by the

principal of the school to the appointing authority for verification, which was found bogus. To this effect, a preliminary inquiry was conducted and found involved the appellant as well as others in issuance of the fake appointment order, for which the appellant was served with charge sheet/statement of allegation dated 14-11-2019. The appellant responded and denied all such allegations. The appellant was issued show cause notice dated 08-01-2020, which was also responded by the appellant and inquiry to this effect was also conducted. The inquiry committee neither recorded statement of any witnesses in presence of the appellant nor the appellant was afforded any opportunity to cross-examine such witnesses, thus skipped a mandatory step as prescribed in law and in a manner, the appellant was deprived of an opportunity to defend his cause. The respondents also violated rule 11(1) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. There were no evidences, examination of prosecution witnesses or opportunity of cross-examination, hence the proceedings so conducted were not in accordance with law and such practice has already been disapproved by the apex court contained in its judgments PLD 1989 SC 335, 1996 SCMR 802, 2018 PLC (CS) 997 and 2019 SCMR 640.


06. The inquiry officer without any solid proof only based his findings on the statement of a single person i.e. father of Muzamil and that too, without any support of other witnesses. The inquiry committee preferred to consider this single reason enough for holding him responsible based on presumptions; facts however, had to be proved and not presumed, particularly for awarding major penalty of dismissal from service. Reliance is placed on 2002 PLC (CS) 503 and 2008 SCMR 1369. The inquiry officer failed to establish as to how in the absence of any incriminating evidence charges can be established against the accused. It has been held in various judgments of the apex court that regular inquiry is must before imposition of major penalty of dismissal from service, which however was


not done in case of the appellant. We are of the considered opinion that the respondents badly failed to prove the allegations leveled against the appellant and penalized the appellant only because of presumptions, which however was not warranted. Another interesting aspect of the case is that Mr. Muzamil, who was initially appointed on fake appointment order, was later on regularly appointed against such post, without penalizing him for acquiring his appointment order through illegal means. Father of Mr. Muzamil also confessed that he had received the amount taken from him as bribe, but without mentioning as to who returned such amount to him. Moreover, keeping in view merit of the case, the penalty so awarded appears to be harsh. Competent authority had jurisdiction to award any of the punishments mentioned in law to the government employee but for the purpose of safe administration of justice such punishment should be awarded which commensurate with the magnitude of the guilt, Otherwise the law dealing with the subject would lose its efficacy. Reliance is placed on 2006 SCMR 1120

07. We are of the considered opinion that though role of the appellant was dubious, but charges were not fully established against him, hence keeping in view the above cited discussion, we are inclined to partially accept the instant appeal by converting the major punishment of removal from service into stoppage of two annual increments for two years. The intervening period is treated as leave without pay. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

18.01.2022

  
(AHMAD SULTAN TAREEN)  
CHAIRMAN

  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (E)

ORDER

18.01.2022

Learned counsel for the appellant present. Mr. Javed Ullah, Assistant Advocate General for respondent present. Arguments heard and record perused.

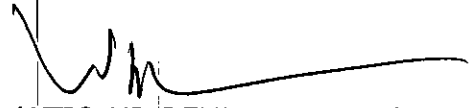
Vide our detailed judgment of today, separately placed on file, we are inclined to partially accept the instant appeal by converting the major punishment of removal from service into stoppage of two annual increments for two years. The intervening period is treated as leave without pay. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

18.01.2022



(AHMAD SULTAN TAREEN)  
CHAIRMAN



(ATIQ-UR-REHMAN WAZIR)  
MEMBER (E)

11.01.2022

Counsel for the appellant (Rpeeda Khan, Advocate)  
and Mr. Javaidullah, Asstt. AG for the respondents  
present.

Arguments heard. To come up for orders on  
18.01.2022 before this D.B.



(Atiq-ur-Rehman Wazir)  
Member(E)

Chairman

5690/20  
31.05.2021

Counsel for the appellant, Mr. Kabirullah Khattak, Addl. AG alongwith Jaffar Shah, Senior Clerk for respondents No. 1, 2 & 4 and respondent No. 3 in person present.

Respondents have furnished reply/comments alongwith cost of Rs. 1000/-. Cost of Rs. 1000/- has been handed over to learned counsel for the appellant and receipt whereof obtained and placed on file. The appeal is assigned to D.B for arguments on 28.09.2021.

  
Chairman

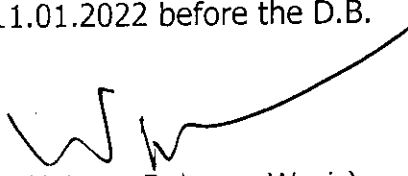
28.9.21

*DB is on Tour case to come up  
for the same on dated, 10-1-22*

10.01.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for respondents present.

Due paucity of time, arguments could not be heard. To come up for arguments before the D.B on 11.01.2022 before the D.B.

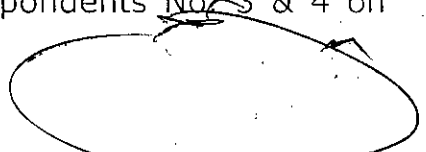
  
(Atiq-ur-Rehman Wazir)  
Member(E)

  
Chairman

25.01.2021

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General, for the respondents is also present.

Written reply on behalf of respondents No. 1 & 2 has already been submitted. Neither written reply on behalf of respondents No. 3 & 4 submitted nor anyone on their behalf is present, therefore, learned Additional Advocate General is directed to contact respondents No. 3 & 4 and submit written reply on the next date by way of last chance. File to come up for written reply/comments on behalf of respondents No. 3 & 4 on 24.03.2021 before S.B.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

24.03.2021

Appellant in person present.

Kabir Ullah Khattak learned Additional Advocate General present. Faiz Muhammad Litigation Officer for respondent No.4 present.

Respondents No.1 & 2 have already submitted reply. Today, representative of respondent No.4 submitted reply/comments. Written reply on behalf of respondent No.3 is still awaited. Case is adjourned on the request of learned A.A.G but on payment of cost of Rs. 1000/-. To come up for written reply/comments of respondent No.3 on 31 / 05 / 2021 before S.B.

  
(Rozina Rehman)  
Member (J)



5690/20

07.10.2020

Counsel for the appellant and Addl. AG alongwith Faiz Muhammad, Litigation Officer and Hazrat Shah, SO for the respondents present.

Representatives of the respondents seek further time to submit the requisite reply/comments. Adjourned to 02.12.2020 on which date the reply/comments shall positively be furnished.

  
Chairman

02.12.2020

Junior counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Rizwanullah, Director Litigation, on behalf of respondents No. 1 & 2, are also present.

Written reply on behalf of respondents No. 1 & 2 submitted which is placed on record. Neither written reply on behalf of respondents No. 3 & 4, submitted nor anyone on their behalf is present, therefore, learned Additional Advocate General is directed to ensure presence of representatives of respondents No. 3 & 4 and submit reply on the next date. File to come up for written reply/comments on behalf of respondents No. 3 & 4 on 25.01.2021 before S.B.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

10.07.2020

Counsel for the appellant present.

It is argued that the appellant was not competent authority for issuance of disputed appointment order dated 09.08.2019. His role in the matter ~~was~~, therefore, could be established after thorough probe and cogent evidence. The respondents did not allow opportunity to appellant for participating in the proceedings and also cross examining the witnesses appearing during departmental proceedings. It is added that the penalty awarded to the appellant is harsh and not commensurate in the circumstances of the case.

The appeal in hand is admitted to regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 09.09.2020 before S.B.

Appellant Deposited  
Security & Process Fee

09/09/20

  
Chairman

09.09.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

Learned AAG seeks further time to submit reply/comments. Adjourned to 07.10.2020 on which date the requisite reply/comments shall positively be submitted.



  
Chairman

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 5690 /2020

1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/06/2020	<p>The appeal of Mr. Pir Jan Alam presented today by Roeeda Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>10/07/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. 5690 /2020

Pir Jan Alam

**VERSUS**

Secretary Health Khyber Pakhtunkhwa & others

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8.	Copy of removal order	"F"	13&14
9.	Copy of Departmental appeal	"G"	15
10.	Wakalatnama		

(WP)  
APPELLANT

Through

(R)  
**Roeda Khan**  
Advocate, High Court  
Peshawar.

Dated: 10/06/2020

(1)

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. 5690 /2020

Khyber Pakhtunkhwa  
Service Tribunal

Dairy No. 5016

Dated 10/6/2020

Pir Jan Alam Ex-Senior Clerk Paramedical Institute  
of Technology (PIMT) Dera Ismail Khan

**Appellant**

***VERSUS***

- ✓ 1. Secretary Health Khyber Pakhtunkhwa  
Peshawar.
- ✓ 2. Director General Health (PHSA) Khyber  
Pakhtunkhwa Peshawar.
3. Principal of Paramedical Institute of Technology  
(PIMT) Dera Ismail Khan.
4. Principal Public Health School D.I.Khan.

**Respondents**

Filed to-day  
6/6/2020  
Registrar

**SERVICE APPEAL U/S-4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICES TRIBUNAL ACT**  
**1974 AGAINST THE ORDER DATED 21/02/2020**  
**WHEREBY THE MAJOR PENALTY OF**  
**REMOVAL FROM SERVICE HAS BEEN**  
**AWARDED TO THE APPELLANT BY THE**  
**RESPONDENT DEPARTMENT AGAINST**  
**WHICH THE APPELLANT FILLED**  
**DEPARTMENTAL APPEAL DATED 06/03/2020**  
**WHICH HAS NOT BEEN DECIDED WITHIN**  
**THE STATUARY PERIOD OF 90 DAYS.**

Prayer:-

ON ACCEPTANCE OF THIS SERVICE APPEAL THE IMPUGNED ORDER OF REMOVAL FROM SERVICE DATED 21/02/2020 MAY VERY KINDLY BE SET ASIDE AND THE APPELLANT MAY KINDLY BE REINSTATE INTO HIS SERVICE ALONGWITH ALL BACK BENEFITS.

Respectfully Sheweth,

1. That the appellant was initially appointed as Junior Clerk with Respondent Department.
2. That appellant has at his credit clean and exemplary service record, his services were always appreciated and due to un-blemish record the appellant was promoted to Senior Clerk (BPS-14) and was lastly posted as Senior clerk in the office of Paramedical Institute of Technology (PIMT) Dera Ismail Khan.
3. That while posted as Senior Clerk in Paramedical Institute of Technology (PIMT) Dera Ismail Khan a charge sheet and statement of allegation was issued to the appellant on 14.11.2019 (Copy of Charge sheet and statement of allegation is attached as annexure "A & B").

3

4. That the appellant submitted reply of charge sheet whereby the appellant denied all the allegation level against him **(Copy of reply is attached as annexure "C")**.
5. That a Show Cause Notice has been issued to the appellant on 08.01.2020 by the Respondent Department. **(Copy of show cause notice attached is annexure "D")**.
6. That the appellant submitted reply of show cause Notice on 13.01.2020 whereby the appellant denied all the allegation level against him. **(Copy of Reply Show Cause Notice is attached as annexure "E")**.
7. That on 21.02.2020 the impugned order has been issued against the appellant whereby the appellant has been removed from service. **(Copy of removal order is attached as annexure "F")**.
8. That the appellant is submitted Departmental appeal on 06.03.2020 against the impugned order dated 21.02.2020 which has not been responded with the statutory period by the Respondent Department. **(Copy of Departmental appeal is attached as annexure "G")**.

(4)

9. That feeling aggrieved the Appellant prefers the instant service appeal before this Hon'ble Tribunal on the following grounds inter alia:-

**GROUNDS:-**

- A. That the appellant has not been treated in accordance with law and hence his rights secured and guaranteed under the Constitution of 1973 were badly violated.
- B. That there is no proof and evidence available with respondent Department against the appellant regarding the said allegation.
- C. That no opportunity of defense or personal hearing has been provided to the appellant.
- D. That no statement of witness has been recorded by the inquiry officer.
- E. That no opportunity of cross examination has been provided to the appellant.
- F. That the appellant has been having no authority of appointment of a person.
- G. That the appellant almost 3 years service and the penalty was a harsh one.
- H. That the appellant seeks the permission of this Hon'ble Court to rely on additional grounds at the hearing of this appeal.



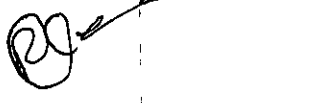
(5)

*It is therefore, most humbly prayed that the impugned order dated 21.02.2020 of removal from service may kindly be set aside and the appellant may kindly be reinstated into his service alongwith all back benefits.*

*Any other relief not specifically asked for may also graciously be extended in favour of the Appellant in the circumstances of the case.*

  
APPELLANT

Through

  
**Roeeda Khan**  
Advocate, High Court  
Peshawar.

Dated: 10/06/2020

NOTE:-

As per information furnished by my client, no such like appeal for the same petitioner, upon the same subject matter has earlier been filed, prior to the instant one, before this Hon'ble Tribunal.

  
Advocate.

(6)

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2020

Pir Jan Alam

***VERSUS***

Secretary Health Khyber Pakhtunkhwa & others

**AFFIDAVIT**

I, Pir Jan Alam Ex-Senior Clerk Paramedical Institute of Technology (PIMT) Dera Ismail Khan, do hereby solemnly affirm and declare that all the contents of the **instant appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.

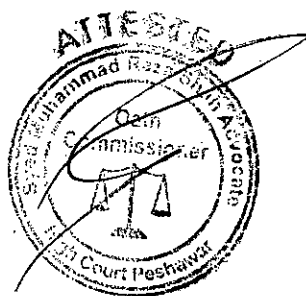


DEPONENT

*Identified by:*



**Roeeda Khan**  
Advocate High Court  
Peshawar.



7

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2020

Pir Jan Alam

***VERSUS***

Secretary Health Khyber Pakhtunkhwa & others

**ADDRESSES OF PARTIES**

***PETITIONER.***


Pir Jan Alam Ex-Senior Clerk Paramedical  
Institute of Technology (PIMT) Dera Ismail  
Khan

**ADDRESSES OF RESPONDENTS**

1. Secretary Health Khyber Pakhtunkhwa  
Peshawar.
2. Director General Health (PHSA) Khyber  
Pakhtunkhwa Peshawar.
3. Principal of Paramedical Institute of Technology  
(PIMT) Dera Ismail Khan.
4. Principal Public Health School D.I.Khan.

  
**APPELLANT**

Through

  
**Roeeda Khan**  
Advocate, High Court  
Peshawar.

Dated: 10/06/2020



PROVINCIAL HEALTH SERVICES ACADEMY  
Government of Khyber Pakhtunkhwa  
Health Department



No. 42 /PHSA/Admn/Enquiry/2019-20/11814

Dated: 14/11/2019

**CHARGE SHEET.**

1. **WHEREAS**, it was reported that a fake office order for appointment in respect of Mr. Muhammad Muzamil S/O Muhammad Hasham has been issued, at Public Health School DI Khan;
2. **AND WHEREAS** the Principal Public Health School DI Khan also sent the office order, for verification and guidance, vide No. 108/PHS-DIK dated. 14/09/2019;
3. **AND WHEREAS** a preliminary enquiry was conducted in the matter to probe into the matter;
4. **AND WHEREAS** the enquiry committee found you to be involved in this practice. Hence the competent authority, in this case, is of the opinion that sufficient grounds exist to initiate disciplinary proceedings against you under the Government Servants Efficiency and Discipline Rules 2011;
5. **NOW THEREFORE** I, Dr. Janbaz Afridi, Director General Provincial Health Services Academy being the Competent Authority, hereby charge you Mr. Jan E Alam Senior Clerk (BS-14) posted at Paramedical Institute of Medical Technology (PIMT) DI Khan, as follow:
  1. Guilty of corruption and
  2. Misconduct.
6. By reasons of the above you appear to be guilty under Rules-3 of the Khyber Pakhtunkhwa Government Servants Efficiency & Discipline Rules 2011 and have rendered yourself liable to all or any of the penalties specified in Rules-4 of the Rules ibid.
7. For the purpose of enquiry against you with reference to the above allegations, an enquiry committee, consisting of the officers, as prescribed in the attached disciplinary action proforma, constituted under Rules-10(1)(a) of the (ibid) Rules.
8. You are therefore required to submit your written defense within 14 days of the receipt of this charge sheet to the enquiry officers appointed for the purpose of your case.
9. Your written defense, if any, should reach the enquiry committee within the specified period, failing which, it will be presumed that you have no defense to put in and in that case ex-parte action will be taken against you.
10. A statement of allegation is enclosed.

(Dr. Janbaz Afridi)  
Director General (Health)  
PHSA, Khyber Pakhtunkhwa

Peshawar

Mr. Jan E Alam S/O Latif Shah Quraishi

Senior Clerk (BS-14) PIMT DI Khan resident of Public Health School Colony DI Khan.

ATTESTED.



PROVINCIAL HEALTH SERVICES ACADEMY  
Government of Khyber Pakhtunkhwa  
Health Department



DISCIPLINARY ACTION.

1. I, Dr. Janbaz Afridi, Director General Provincial Health Services Academy, as Competent Authority, am of the opinion that Mr. Jan E Alam Senior Clerk Paramedical Institute of Medical Technology (PIMT) D.I.Khan has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meeting of Rules-3 of the Khyber Pakhtunkhwa.

STATEMENT OF ALLEGATION

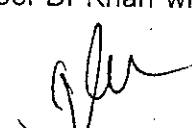
1. Guilty of corruption and
2. Guilty of Misconduct.

2. For the purpose of enquiry against the said accused with reference to the above allegations, an Enquiry Committee, consisting of the following officers is constituted under Rule-10(1)(a) of the (ibid) rules:

- i. Dr. Muhammad Daud, Director (HRD) (BS-20), PHSA Peshawar.
- ii. Dr. Qazi Afsar Anwar, Director (BS-19), PHSA Peshawar.
- iii. Mr. Faiz Muhammad, Librarian (BS-17), PHSA Peshawar.
- iv. Mr. Tofeeq Ullah, Admin & Finance Officer (BS-17), PHSA Peshawar.

3. The Enquiry Committee will in accordance with the provisions of the rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within 30 days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.


4. The accused and well versant representative of Public Health School DI Khan will join the proceeding on the date, time and place fixed by the Enquiry Committee.


  
(Dr. Janbaz Afridi)  
Director General (Health)  
PHSA, Khyber Pakhtunkhwa

No. 42 /PHSA/Admn/Enquiry/2019-20/11 B15-18

Dated: 14/11/2019

- i. Accused, Mr. Jan E Alam Senior Clerk PIMT DI Khan with the directions to appear before the enquiry officer on the date time and place to be fixed by the enquiry officer.
- ii. The officers. The enquiry may please be conducted and your findings and grounds thereof by submitted to the undersigned within 30 days.
- iii. The Principals, PIMT & PHS, DI Khan with the directives to assist the enquiry Officers during the enquiry proceedings. Moreover a well conversant representative of the case may please be nominated as well.

  
ATTESTED

  
(Dr. Janbaz Afridi)  
Director General (Health)  
PHSA, Khyber Pakhtunkhwa

(10)

Amr (16) 3

To,  
Chairman,  
Enquiry Committee

Subject:- Reply To Charge Sheet  
No-43/1188/Enq/2019-20/11814  
Reference your office letter Dated 14.11.2019

Respectfully stated,

~~Principal Public Health School appan~~

That your good office has charge sheeted the undersign for a fake appointment order detail provided in the instant charge sheet. However, as your good office has stated that the same is provided to you by the Principal Public Health School Dahanu which is neither procured by the undersign nor <sup>forwarded</sup> submitted by me. It would be appropriate to seek the clarification from the concerned Principal. ~~It~~ It is pertinent to mention here that the undersign is not posted at the said school.

ADJESTED

That, furthermore, the undersign is ready to be part of any departmental proceeding & including ~~an~~ inquiry committee. However, the undersign has no role in the same & is not associated with the ~~said~~ said fake appointment order.

J. K. ...



(W) Annex D

**PROVINCIAL HEALTH SERVICES ACADEMY**  
Government of Khyber Pakhtunkhwa  
Health Department



**SHOW CAUSE NOTICE**

I, Dr. Janbaz Afridi, DG PHSA Peshawar as Competent authority under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, do hereby serve upon you, Mr. Jan-e Alam, Senior Clerk BPS-14, posted at Paramedical Institute of Medical Technology, Dera Ismail Khan, as follows: -

(i) That consequent upon the completion of inquiry conducted by the inquiry committee so constituted under Rule 10 of E&D Rules 2011 against you, for which you were given opportunity of hearing.

(ii) On going through the findings and recommendations of the inquiry committee, the material on record and other connected papers including your defense before the inquiry committee, I am satisfied that you have committed the following acts/ omissions specified in rule 3 of the rules ibid.:

- a. **Guilty of Corruption; and**
- b. **Guilty of Misconduct.**

2. As a result, thereof, I, as competent authority, have tentatively decided to impose upon you the following penalty under sub-rule (1), clause (b), sub-clause (iii) of Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011: -

**Removal from Service.**

3. You are therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within seven days of its delivery, it will be presumed that you have no defense to put in, and in that case an ex-parte action will be taken against you.

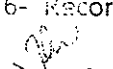
  
**Director General**  
**PHSA, Peshawar Khyber Pakhtunkhwa**


No. 42/PHSA/Admn/*Inquiry* /2019-20/ B3-88

Dated: 08-01-2020

**Copy forwarded to the: -**

- 1- Members Inquiry Committee.
- 2- Principal PIMT, D.I. Khan.
- 3- District Accounts Officer, Dera Ismail Khan.
- 4- Mr. Jan-e Alam, Senior Clerk BPS.14, Paramedical Institute of Medical Technology, Dera Ismail Khan.
- 5- Personal file.
- 6- Record.

  
**Director General**  
**PHSA, Peshawar Khyber Pakhtunkhwa**

  
**ARRESTED.**

Amir E

12

To,

Director General,  
PHSA, Khyber Pakhtunkhwa.

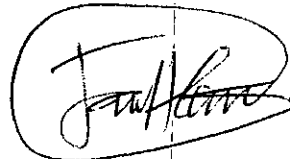
Subject:- REPLY TO SHOW CAUSE NOTICE.

Reference No. 42/PHSA/Admn/Inquiry/2019-20/83-88  
Dated: 08/01/2020 On The Subject Noted Above.

Respectfully Stated,

1. That the undersign throughout his career has remained obedient of his superior officers.
2. That throughout my service non of my single has ever made a complaint against me regarding a single penny embezzlement.
3. That there is no reference to any embezzlement of government finance in the instant show cause notice, if any, may kindly be provided to the undersign so that a proper reply in the light of same is submitted before your good self.

Hence it is requested to please withdraw the instant show cause notice in the light of above reply.



Pir Jan Alam  
Senior Clerk  
PIMT, D.I.Khan.

13<sup>01</sup>/  
2020



ATTESIED.





(F) (13)  
**PROVINCIAL HEALTH SERVICES ACADEMY**

Government of Khyber Pakhtunkhwa

Department of Health



F. No. 42/ PHSA/Admin/Enquiry/2019-20/1128-32

Dated: 21.02.2020

Mr. Pir Jan Alam  
Senior Clerk (BPS-14)  
Paramedical Institute of Technologies (PIMT)  
Dera Ismail Khan

**SUBJECT: OFFICE ORDER REGARDING REMOVAL FROM SERVICE**

**WHEREAS** Principal, Public Health School (PHS) D.I.Khan forwarded and enclosed an appointment order bearing No. F-05/Admn/App-IV/8068-73 dated 09/08/2019 of PHSA and respective arrival report of Mr. Muzamil S/o Mr. Muhammad Hashim ex-chowkidar vide their letter No. 1086/PHS-DIK/Admn: dated 14.09.2019 for verification and guidance;

**AND WHEREAS** the undersigned after thoroughly checking its record, found that no such order is issued from this office. Therefore, the office of undersigned informed Principal, Public Health School (PHS) D.I.Khan accordingly vide letter No. 42/PHSA/Admin/Inquiry/2019-20/10937-38 dated 27.09.2019;

**AND WHEREAS** the office of undersigned ordered a preliminary inquiry on 17.09.2019 to find facts into the reference appointment order;

**AND WHEREAS** the preliminary committee submitted its report on 02.10.2019;

**AND WHEREAS** in light of findings of the preliminary Inquiry report, the reference appointment order is found to be fake, evident from the written statement of the then signatory;

**AND WHEREAS** disciplinary proceedings were initiated on 14.11.2019 on account of your alleged involment in corruption and misconduct;

**AND WHEREAS** subsequently, a disciplinary inquiry was ordered on 14.11.2019;

**AND WHEREAS** the disciplinary inquiry committee submitted its final report with recommendations on 07.01.2020;

**AND WHEREAS** in light of the disciplinary committee's findings, the charges leveled against you were proved and you were found guilty of corruption and misconduct under sub-rule (1), clause (g) and (l) of rule 2 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 framed under section-16 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with mis-conduct in terms of rule 4A of conduct rules 1987 made under the provision of section 15 of the Khyber Pakhtunkhwa Civil Servants Act, 1973.

Address: Near Northren Bypass, Dauranpur, Peshawar, Ph: 091-2614223-5, Fax: 091-26143609

Website: [www.phsa.edu.pk](http://www.phsa.edu.pk)

Email: [info@phsa.edu.pk](mailto:info@phsa.edu.pk)

R  
RECEIVED



PROVINCIAL HEALTH SERVICES ACADEMY

Government of Khyber Pakhtunkhwa

Department of Health



Therefore the undersigned issued respective show cause notice as duly communicated to you, tentatively imposing the major penalty i.e. Removal from Service on 08.01.2020;

**AND WHEREAS** you submitted your reply to the show cause notice on 17.01.2020;

**AND WHEREAS** your reply was found unsatisfactory and it was decided to hear you in person, in order to provide you fair opportunity of personal hearing;

**AND WHEREAS** your personal hearing with the undersigned was held on 07.02.2020;

**AND WHEREAS** you failed to provide any other evidence new to what you had presented to the inquiry committee;

**AND NOW THEREFORE** I, Dr. Muhamamd Ayub Rose, Director General (BPS-20) PHSA, Peshawar, after having considered charges and evidence on record thereby in exercise of the power conferred under sections 16 of *The Khyber Pakhtunkhwa Civil Servant Act, 1973 read with section 15 accordingly* as the rules made thereunder i.e. Khyber Pakhtunkhwa Government Servants (E&D) Rules 2011 under clause (ii), sub rule (5) of Rule 14, being the competent Authority has been pleased to impose upon you the major penalty-as specified in sub-rule(1), clause(b), Sub-Clause(iii) of rule-4 i.e. to remove you, Mr. Pir Jan Alam BS-14, Senior Clerk PIMT D.I.Khan, from service with immediate effect.

  
DIRECTOR GENERAL (Health)  
PHSA, Peshawar

**Endorsement of Even No. & Date:**

1. Principal Paramedical Institute of Medical Technologies (PIMT), D.I.Khan.
2. District Accounts Officer, Dera Ismail Khan.
3. IT In-charge PHSA.
4. PS to Secretary Health, Khyber Pakhtunkhwa.

  
DIRECTOR GENERAL (Health)  
PHSA, Peshawar

Address: Near Northren Bypass, Dauranpur, Peshawar, Ph:091-2614223-5, Fax:091-26143609

Website: [www.phsa.edu.pk](http://www.phsa.edu.pk)

Email: [info@phsa.edu.pk](mailto:info@phsa.edu.pk)

  
**ATTESTED**

1

Amir G 15

3463:  
1A.3.2

To,

The Secretary Health,  
Khyber Pakhtunkhwa, Peshawar.

Subject: - DEPARTMENTAL APPEAL AGAINST THE TERMINATION THE  
ORDER DATED 21-02-2020 OF THE DG PHSA.

Respectfully Stated,

1. That the undersign was lastly posted as Senior Clerk (BPS-14) in the office of Paramedical Institute of Technologies (PIMT) D.I.Khan when the impugned termination order dated 21-02-2020 was passed. (copy of termination order/reply of showcase notice is attached).
2. That at the very onset the undersign wants to clarify the matter that said Mr. Muzamil, whose name has surfaced in the termination order, his appointment order was for the Public Health School (PHS) D.I.Khan while the undersign was posted at Paramedical Institute of Technologies (PIMT) D.I.Khan. Even otherwise the said Mr. Muzamil from district D.I.Khan while the undersign is from District Kohat, neither her is my relative.
3. That instead of initiating preliminary inquiry against the undersign, it would be appropriate to register criminal case against the said person, Mr. Muzamil, who produced the said fake appointment order.
4. That there is no allegation of embezzlement of any government money against the undersign, hence, no question of corruption props up.
5. That proper produce would have been to register criminal case against the said culprit Mr. Mulazim, I his statement should have been recorded. Even otherwise, the said person has not refer withdrawn a single salary.
6. That neither said fake letter of appointment is procured by undersign nor handed over to the competent authority or any other authority concerned. It is therefore, very ironic to involve the undersign in the instant matter & pass punishment of termination from service.
7. That the undersign his served almost 33 years.

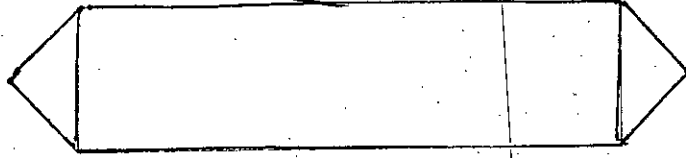
Hence, it is requested to kindly cancel the termination order of the undersign & reinstate the undersign in service from the date of termination with back benefits.

Date: 06-03-2020

**PIR JAN ALAM**  
Ex-Senior Clerk  
Paramedical Institute of Technology (PIMT)  
Dera Ismail Khan

A/16/2020  
B/1/2020  
TESTED

بعد از حساب جیروسے طر استدلال



مورخہ  
مقدمہ  
دعویٰ  
جرم

2020ء منجانب

سید حامد علی بنام

اسلام آباد

ملفوظ دیوبند

### باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام سید کیلئے زولیدہ خاتون اللہ محمد اعظمی لوی سرفراز

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے و ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

2020ء

ماہ حویہ

10

الرقوم

حاجی علی

العہدہ العہدہ العہدہ

کے لئے منظور ہے۔

Accepted by

مقام

**BEFORE THE HON'BLE SERVICE TRIBUNAL, PESHAWAR**

**Service Appeal No. 5690/2020**

Pir Jan Alam, Ex-Senior Clerk

Paramedical Institute of Technology (PIMT) Dera Ismail Khan

..... Appellant

Versus

1. The Secretary Health Department, Government of Khyber Pakhtunkhwa
2. Director General, Provincial Health Services Academy, Budhni road Doranpur Peshawar
3. Principal, Paramedical Institute of technology Dera Ismail Khan.
4. Principal, Public Health School Dera Ismail Khan

..... Respondents

**INDEX**

<b>S. No.</b>	<b>Description of Documents</b>	<b>Annexure</b>	<b>Pages</b>
1.	Para-wise comments submitted by respondent No. 01 and respondent No 2		1-2
2.	Office order of Inquiry committee Dated 17.09.2019 (A/1), Preliminary Inquiry Report Dated 02.10.2019 (A/2), Charge Sheet (A/3) & Suspension Order (A/4) Dated 14.11.2019, Disciplinary Inquiry Committee Order Dated 14.11.2019 (A/5), Disciplinary Committee Report Dated 07.01.2020 (A/6), Show Cause Notice Dated 08.01.2020 (A/7), Show Cause Notice Reply dated: Nil (A/8) Personal Hearing Dated 07.02.2020 (A/9) Impugned Office Order regarding Removal from service Dated 21.02.2020 (A/10)	A/1 to A/10	3-27
3.	Affidavit	B	28

**BEFORE THE HON'BLE SERVICE TRIBUNAL, PESHAWAR**

**Service Appeal No. 5690/2020**

Pir Jan Alam Ex-Senior clerk  
Paramedical Institute of technology PIMT Dera Ismail Khan

..... Appellant

Versus

1. The Secretary Health Department, Government of Khyber Pakhtunkhwa
2. Director General Provincial Health Services Academy, Doranpur Peshawar
3. Principal Paramedical Institute of Medical Technologies, Dera Ismail Khan
4. Principal Public Health School, D.I. Khan

..... Respondents

**PARA-WISE COMMENTS SUBMITTED BY RESPONDENT NO.1 AND RESPONDENT NO.2:**

**Respectfully Sheweth:**

**PRELIMINARY OBJECTIONS:**

- i. That the appellant has got neither cause of action nor locus standi to file the instant appeal.
- ii. That the instant appeal is against the prevailing law and Rules.
- iii. That the Appeal is not maintainable in its present form.
- iv. That the appellant has not come to the tribunal with a clean hand and hit by laches.
- v. That the appellant is bad due to non-joinder and misjoinder of necessary parties.
- vi. That the appellant has filed the instant appeal with mala-fide intention hence liable to be dismissed.

**FACTS:**

1. Pertains to record, hence no comments.
2. Pertains to record, hence no comments.
3. Pertains to record, hence no comments.
4. Incorrect. The disciplinary proceedings were initiated on 14.11.2019. The inquiry committee found the appellant involvement in the dealing of fake appointment order/recruitment of Mr. Muzamil. Furthermore, the committee found the appellant guilty of receiving cash from Mr. Hashim Khan for the recruitment of his son i.e. Mr. Muzamil by pretending that the cash was handed over to the only dealing clerk of the institute i.e. Mr. Qari Fayaz, Junior Clerk PHS D.I.Khan to which the appellant colluded with. This act confirmed his involvement in a fake order issued to Mr. Muzamil for recruitment /Appointment accordingly. **(Annexure A/1 to A/10)**
5. Pertains to record

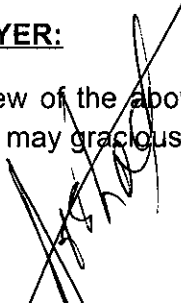
6. Before issuing the impugned removal order dated 21.02.2020, all the codal formalities including personal hearing were followed as per prevailing laws and rules.
7. The impugned order is explicit in nature as evident from its chronological clauses depicting the observance of all codal formalities. Entire prescribed disciplinary procedures and legal provisions were observed. The appellant was properly charged sheeted, the inquiry was conducted and the appellant was given the opportunity to hear him in person, hence the impugned order is issued in accordance with prevailing laws and rules.
8. No comments.

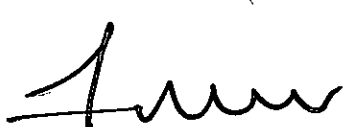
**GROUND:**

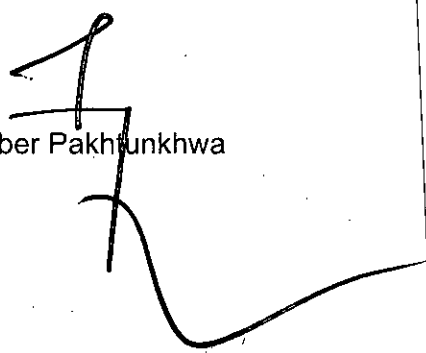
- A. Incorrect. The appellant was involved in the provision and facilitation of the fake appointment order thereby using corrupt practices in violation of conduct, efficiency, and discipline rules violating badly the rights of the public. The appellant was treated in accordance with the laws and rules as all the codal formalities including preliminary inquiry, charge sheet, disciplinary inquiry, show cause notice, reply to show cause notice, suspension order, personal hearing, and issuance of removal from service order was issued in accordance with law and rules. **(Annexure A/1 to A/10)**
- B. A proper record of the personal hearing is available in the department and can be made available as evidence.
- C. As explained in Para-A.
- D. Pertains to record.
- E. As explained in Para-A
- F. Correct, hence the appellant issued a fake order.
- G. The appellant is penalized according to his guilt i.e. corruption, and misconduct.

**PRAYER:**

In view of the above, it is, therefore, requested that the instant appeal being devoid of merit may graciously be dismissed.

  
Director General,  
Provincial Health Services Academy (PHSA), Health Department Khyber Pakhtunkhwa,  
Peshawar  
**(Respondent No. 2)**

  
Secretary to Government of Khyber Pakhtunkhwa  
Health Department  
**(Respondent No. 1)**





**PROVINCIAL HEALTH SERVICES ACADEMY**  
Government of Khyber Pakhtunkhwa  
Department of Health



**OFFICE ORDER.**

The following Inquiry Committee is hereby constituted to probe into the case of fake appointment order of chowkidar at public health school D.I.Khan and to submit the detail report to proceed further in the matter.

- |  |           |
|--|-----------|
| 1. Dr. Sher Ali Director PHSA                      | Chairman. |
| 2. Dr. Shaida Hussain Bukhari Deputy Director PHSA | Member.   |
| 3. Mr. Husnain Zia P.A to Director General PHSA    | Member.   |

The committee will conduct the inquiry of the following officers/officials on 24-09-2019 at 10.00 am at PHSA under the Chairmanship of the chairman inquiry committee.

1. Mr. Fayyaz Gul Junior Clerk PHS D.I.Khan.
2. Mr. Pir Jan Alam Senior Clerk presently PIMT D.I.Khan.
3. Mr. Muhammad Hashim Khan (Ex-employee) & F/o Mr. Muhammad Muzamil D.I.Khan.
4. Hostel Wardan PHS D.I.Khan.

-----Sd/-----  
DIRECTOR GENERAL HEALTH  
PHSA, PESHAWAR.

No. 42/PHSA/Admnl *Muzamil* 12019-20/10729-33 Dated 17/09/2019

Copy for information to.

1. Dr. Sher Ali Director PHSA Peshawar.
2. Dr. Shaida Hussain Bukhari Dy. Director PHSA.
3. Mr. Husnain Zia P.A to Director General PHSA.
4. Mrs. Sajida Principal PHS D.I.Khan
5. All concerned.

*[Signature]*  
17/09/2019  
DIRECTOR MANAGEMENT



P-4

A/2

*He*

The Director General (Health),  
PHSA, Peshawar.

Subject: ENQUIRY REGARDING FAKE OFFICE ORDER

Sir,

Reference your office order No. 42/PHSA/Admn/Inquiry/2019-20/10729-33 dated: 17-09-2019 on the above cited subject where in the undersigned were nominated as enquiry officer to conduct enquiry against a fake appointment order.

BACKGROUND:

Mr. Muhammad Muzamil S/O Muhammad Hashim Khan, resident of D.I.Khan was appointed as Chowkidar (BPS-03), vide fake appointment order No. F-05/Admn/App-IV/8068-73 dated: 09/08/2019 (Copy attached as Annexure-A). In this regard the Principal Public Health School D.I.Khan vide letter No. 1086/PHS-DIK/Admn:/ dated: 14/09/2019 (Copy attached as Annexure-B) requested for verification of above mentioned appointment order.

PROCEEDING:

1. Mr. Muhammad Hashim Khan father of Mr. Muhammad Muzamil was called who submitted a written statement (Attached as Annexure-C).
2. Junior Clerk Mr. Fayaz also submitted a written statement (Attached as Annexure-D).
3. A questionnaire was prepared and served upon Mr. Fayaz, Junior Clerk, PHS D.I.Khan, Mrs. Sajida, Principal PHS D.I.Khan and Mr. Jan Alam, Senior Clerk PIMT D.I.Khan (Copy attached as Annexure-E1 & E2).
4. Mr. Jan Alam submitted an application requesting for exemption from enquiry (Copy attached as Annexure-F).
5. A reminder (copy attached as Annexure-G) was served upon Mr. Jan Alam, Senior Clerk, PIMT D.I.Khan to appear before the inquiry committee, who appeared and submitted a written statement (Copy attached as Annexure-H1, H2 & H3) on 01/10/2019.
6. Mr. Jan Alam Senior Clerk, PIMT D.I.Khan presented a stamp paper dully attested by the oath commissioner (Photocopy attached as Annexure-I).

FINDINGS/CONCLUSION:

Mr. Muhammad Hashim Khan in his written statement disclosed that he got the order after giving Rs. 3,35,000/- (Three Lakh & Thirty Five Thousand rupees

*Dr.*

*[Signature]*

*2/10/20*

3/c

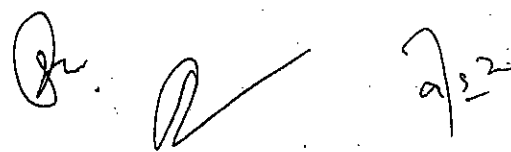
File) to Mr. Jan Alam Senior Clerk PIMT D.I.Khan. Mr. Muhammad Hashim Khan was appointed as Chowkidar on 02/10/1984. He submitted an application for retirement on 27/02/2019. Resultantly he was declared retired from government service on 14/04/2019 (AN) on attaining the age of 60 years vide DG PHSA office order No. F-81/Admn./Retirement File/869-73 dated: 22/04/2019.

Mr. Jan Alam, Senior Clerk, PIMT D.I.Khan in his written statement accepted financial dealing in issuing the fake appointment order. However, in his written statement he accepted that he played a role of middle man between Mr. Fayaz Gul, Junior Clerk, PHS D.I.Khan and Mr. Muhammad Hashim Khan. The amount i.e. Rs. 3,00,000/- (Three Hundred Thousands only) was collected from Muhammad Hashim Khan and was handed over to Mr. Fayaz Gul, Junior Clerk, PHS D.I.Khan in lump sum.

Mr. Jan Alam was appointed as Naib Qasid in the office of Commissioner Peshawar vide order No. 9244/F dated: 01/10/19987. As per his service book record he worked as Naib Qasid, Mali and Chowkidar during his service in the commissioner Peshawar office. He entered in the PHSA Network as Chowkidar on 16/11/2001 vide order No. DCO o/o No. 4395-03/DCO (P) EA.. Dated: 15/11/2001, he was posted in Post Graduate College of Nursing Hayatabad Peshawar from there he was transferred to School of Nursing Hayatabad HMC Peshawar vide Director PHSA office order No. 6426-30/M-3/Estt; PHSA. dated: 22/11/2004. He was transferred to School of Nursing Kohat vide Director PHSA office order No. 05/PHSA/Admn/P&T-IV/2004-05/5508-10 dated: 21/11/2005. He was promoted to the post of Junior Clerk (BPS-07) vide Director PHSA order No. 113-18/PHSA/F-03 dated: 31/01/2011 and was transferred to Public Health School D.I.Khan vide Director PHSA order No. 05/PHSA/2010-11/P&T/2396-2404 dated: 02/06/2011. Interestingly he was promoted to the post of Senior Clerk (BPS-09) on acting charge basis vide Director PHSA order No. F-28/PHSA/Admn/Promotion/2012-13/2971-95 dated: 09/05/2013 and was promoted on regular basis as Senior Clerk vide Director PHSA order No. 28/PHSA/Admn/Promotion Class-III/2015-16/3170-78 dated: 14/07/2016 and posted in School of Nursing D.I.Khan. He was transferred to PIMT D.I.Khan vide Director PHSA order No. F-03/PHSA/Admn/P&T-Class-III/2016-17/5124-29 dated: 30/10/2016.

Mr. Fayaz Gul, Junior Clerk, PHS D.I.Khan in his written statement denied any financial dealing in issuance of the fake appointment order. On-going through the personnel file of Mr. Fayaz Gul, Junior Clerk, PHS D.I.Khan the undersigned noted that he was appointed as Muslim Sweeper and was promoted to Junior Clerk. Mr. Fayaz Gul, Junior Clerk, PHS D.I.Khan. He prepared the salary proforma source - 1 of Mr. Muhammad Muzamil S/O Muhammad Hashim Khan.

Mr. Fayaz Gul was appointed as Muslim Sweeper on fixed pay for the 06 months duration at PHSA vide order No. 3635-38/M-6/Estt;PHSA dated: 28/05/2004



5/4

Copy attached as Annexure-J). As per record he was promoted to the post of Computer Lab: Assistant (BPS-07) vide Director PHSA order No. 2244-47/PHSA/F-3. Dated: 14/05/2011 and posted at PHSA Peshawar. He was promoted to the post of Junior Clerk (BPS-11) vide Director General order No. 28/Admn/PHSA/Promotion Class-III/2018/9262-67 dated: 27/09/2018 and posted at Public Health School D.I.Khan. Then a letter No. 28/Admin/Promotion File/2194-95 dated: 14/05/2019 (Copy attached as Annexure-K) was sent to Secretary Health, Govt. of Khyber Pakhtunkhwa for opinion of law department on promotion as a Junior Clerk, the reply of mentioned above letter is not available.

After going through the statements Mr. Fayaz Gul, Junior Clerk, PHS D.I.Khan, Mr. Muhammad Hashim Khan, and Mr. Jan Alam, Senior Clerk, PIMT D.I.Khan the undersigned reached at the conclusion that;


- a. A fake appointment order was handed over to Mr. Muhammad Hashim Khan and that financial dealing / bribe in the form of Rs. 3,00,000/- (Three Hundred Thousands only) was used in the dealing.
- b. Mr. Jan Alam, Senior Clerk, PIMT D.I.Khan played a vital role in dealing.
- c. Mr. Fayaz Gul, Junior Clerk, PHS D.I.Khan although denied any financial dealing, however he was involved in the preparing of salary proforma source - 1.
- d. Last but not the least Mr. Muhammad Hashim Khan accepted that he used money for fake appointment order.

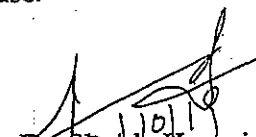
**RECOMMENDATIONS:**

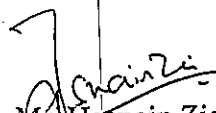
The committee would like to recommend the following penalties however final decision is left to the discretionary power of the competent authority;

1. Compulsory retirement of Mr. Jan Alam, Senior Clerk, PIMT D.I.Khan.
2. Reversion of Mr. Fayaz Gul, Junior Clerk, PHS D.I.Khan to his original post i.e. Muslim Sweeper.
3. Mr. Muhammad Muzamil S/O Muhammad Hashim Khan may be appointed on retired son quota as per rules.
4. Confiscation of one year pensionary benefits of Mr. Muhammad Hashim Khan, Ex-Chowkidar, PHS D.I.Khan.

Submitted for perusal please.

  
Dr. Sher Ali  
Chairman  
Inquiry Committee  
02/10/19

  
Dr. Shaida Hussain  
Member  
Inquiry Committee

  
Mr. Hasnain Zia  
Member  
Inquiry Committee



P-7      A/3  
**PROVINCIAL HEALTH SERVICES ACADEMY**  
Government of Khyber Pakhtunkhwa  
Health Department

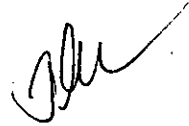


No. 42/PHSA/Admn/*Enquiry*/2019-2011/1814-

Dated: 14 / 11 / 2019

**CHARGE SHEET.**

1. **WHEREAS**, it was reported that a fake office order for appointment in respect of Mr. Muhammad Muzamil S/O Muhammad Hasham has been issued, at Public Health School DI Khan;
2. **AND WHEREAS** the Principal Public Health School DI Khan also sent the office order, for verification and guidance, vide No. 108/PHS-DIK dated. 14/09/2019;
3. **AND WHEREAS** a preliminary enquiry was conducted in the matter to probe into the matter;
4. **AND WHEREAS** the enquiry committee found you to be involved in this practice. Hence the competent authority, in this case, is of the opinion that sufficient grounds exist to initiate disciplinary proceedings against you under the Government Servants Efficiency and Discipline Rules 2011;
5. **NOW THEREFORE** I, Dr. Janbaz Afridi, Director General Provincial Health Services Academy being the Competent Authority, hereby charge you Mr. Jan E Alam Senior Clerk (BS-14) posted at Paramedical Institute of Medical Technology (PIMT) DI Khan, as follow:
  1. Guilty of corruption and
  2. Misconduct.
6. By reasons of the above you appear to be guilty under Rules-3 of the Khyber Pakhtunkhwa Government Servants Efficiency & Discipline Rules: 2011 and have rendered yourself liable to all or any of the penalties specified in Rules-4 of the Rules ibid;
7. For the purpose of enquiry against you with reference to the above allegations, an enquiry committee, consisting of the officers, as prescribed in the attached disciplinary action proforma, constituted under Rules-10(1)(a) of the (ibid) Rules.
8. You are therefore required to submit your written defense within 14 days of the receipt of this charge sheet to the enquiry officers appointed for the purpose of your case.
9. Your written defense, if any, should reach the enquiry committee within the specified period, failing which, it will be presumed that you have no defense to put in and in that case ex-parte action will be taken against you.
10. A statement of allegation is enclosed.

  
(Dr. Janbaz Afridi)  
Director General (Health)  
PHSA, Khyber Pakhtunkhwa

Peshawar

Mr. Jan E Alam S/O Latif Shah Quraishi

Senior Clerk (BS-14) PIMT DI Khan resident of Public Health School Colony DI Khan.




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**PROVINCIAL HEALTH SERVICES ACADEMY**  
Government of Khyber Pakhtunkhwa  
Health Department



**ENQUIRY OFFICER:**


In exercise of powers conferred under section-6 of Khyber Pakhtunkhwa Government Servant Efficiency & Discipline Rules-2011 read with section-3 of the rules ibid, the competent authority has been pleased to place the following officials under suspension for a period of 90 days or till further orders:

S/NO	Name of official	Place of posting
1	Mr. Jan E Alam Senior Clerk (BS-14)	Paramedical Institute of Medical Technology DI Khan
2	Mr. Fayaz Gul Junior Clerk (BS-11)	Public Health School DI Khan.

  
(Dr. Janbaz Afridi)  
Director General (Health)  
PHSA, Khyber Pakhtunkhwa

No. 44 /PHSA/Admn/ *Enquiry* /2019-20/ 11836-39 Dated: 14/11/2019

- I. Principal PIMT DI Khan.
- II. Principal PHS DI Khan.
- III. Mr. Jan E Alam Senior Clerk (BS-14).
- IV. Mr. Fayaz Gul Junior Clerk (BS-11)

  
(Dr. Janbaz Afridi)  
Director General (Health)  
PHSA, Khyber Pakhtunkhwa



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**PROVINCIAL HEALTH SERVICES ACADEMY**  
Government of Khyber Pakhtunkhwa  
Health Department



**DISCIPLINARY ACTION.**

1. I, Dr. Janbaz Afridi, Director General Provincial Health Services Academy, as Competent Authority, am of the opinion that Mr. Jan E Alam Senior Clerk Paramedical Institute of Medical Technology (PIMT) D.I.Khan has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meeting of Rules-3 of the Khyber Pakhtunkhwa.

**STATEMENT OF ALLEGATION**


1. Guilty of corruption and
2. Guilty of Misconduct.

2. For the purpose of enquiry against the said accused with reference to the above allegations, an Enquiry Committee, consisting of the following officers is constituted under Rule-10(1)(a) of the (ibid) rules:

- i. Dr. Muhammad Daud, Director (HRD) (BS-20), PHSA Peshawar.
- ii. Dr. Qazi Afsar Anwar, Director (BS-19), PHSA Peshawar.
- iii. Mr. Faiz Muhammad, Librarian (BS-17), PHSA Peshawar.
- iv. Mr. Tofeeq Ullah, Admin & Finance Officer (BS-17), PHSA Peshawar.


3. The Enquiry Committee will in accordance with the provisions of the rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within 30 days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and well versant representative of Public Health School DI Khan will join the proceeding on the date, time and place fixed by the Enquiry Committee.

  
(Dr. Janbaz Afridi)  
Director General (Health)  
PHSA, Khyber Pakhtunkhwa

No. 42 /PHSA/Admn/Enquiry/2019-20/11/815-18 Dated: 19/11/2019

- i. Accused, Mr. Jan E Alam Senior Clerk PIMT DI Khan with the directions to appear before the enquiry officer on the date time and place to be fixed by the enquiry officer.
- ii. The officers. The enquiry may please be conducted and your findings and grounds thereof by submitted to the undersigned within 30 days.
- iii. The Principals, PIMT & PHS, DI Khan with the directives to assist the enquiry Officers during the enquiry proceedings. Moreover a well conversant representative of the case may please be nominated as well.

  
(Dr. Janbaz Afridi)  
Director General (Health)  
PHSA, Khyber Pakhtunkhwa



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**PROVINCIAL HEALTH SERVICES ACADEMY**  
Government of Khyber Pakhtunkhwa  
Health Department



A/5

**ENQUIRY OFFICER:**

1. In pursuance of Rule 10(1)(a) of the Khyber Pakhtunkhwa Government Servant Efficiency and Discipline Rules-2011 read with Rule-5 of the Rules ibid, the Competent Authority is pleased to appoint the following enquiry committee to conduct enquiry proceedings against Mr. Jan E Alam Senior Clerk (BS-14) PIMT DI Khan:

- i. Dr. Muhammad Daud, Director (HRD), (BS-20) PHSA Peshawar..
- ii. Dr. Qazi Afsar Anwar, Director, (BS-19). PHSA Peshawar.
- iii. Mr. Faiz Muhammad, Librarian, (BS-17). PHSA Peshawar.
- iv. Mr. Tofeeq Ullah, Admin & Finance Officer, (BS-17) PHSA Peshawar.

2. The enquiry shall be conducted in accordance with the provisions of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011 on day to day basis without interruption and the report shall be submitted to the undersigned within 10 days of conclusion of the enquiry proceedings.

3. Copies of the charge sheet and statement of allegations served upon the accused official are enclosed herewith.

**ENCL:** As above.

(Dr. Janbaz Afridi)  
Director General (Health)  
PHSA, Khyber Pakhtunkhwa

No. 44 /PHSA/Admn/*Enquiry* 12019-201 11819-25 Dated: 14/11/2019

- I. Dr. Muhammad Daud (BS-20), Dr. Qazi Afsar Anwar (BS-19), Mr. Faiz Muhammad (BS-17) and Mr. Tofeeq Ullah (BS-17) enquiry officers.
- II. Dr. Ihsan Waheed Principal PIMT DI Khan with the directives to appoint an officer well conversant with the case to assist the enquiry officer during the enquiry proceedings.
- III. The Principal PHS DI Khan with the directives to appoint an officer well conversant with the case to assist the enquiry officer during the enquiry proceedings.
- IV. Accused, Mr. Jan E Alam Senior Clerk PIMT DI Khan with the directions to appear before the enquiry officer on the date time and place to be fixed by the enquiry officer.

(Dr. Janbaz Afridi)  
Director General (Health)  
PHSA, Khyber Pakhtunkhwa

Copy No. 34  
Date: 7/12/2020  
Govt. Health Services Academy  
Department of Health  
Govt. of KPK Peshawar

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**INQUIRY REPORT**

IN FAKE APPOINTMENT ORDER OF MR. MUHAMMAD MUZAMMIL S/O MR MUHAMAMD HASHIM EX-CHOWKIDAR AT PUBLIC HEALTH SCHOOL D.I.KHAN

**A- BACKGROUND**

An appointment was made against the post of Chowkidar BS-03, at Public Health School (PHS) D.I. Khan, vide a fake appointment order No.F-05/Admn/App-IV/8068-73 dated: 09/08/2019 which was allegedly issued by the PHSA Peshawar. It was having a dispatch number and date which was not coincident with the official dispatch register of the PHSA. It was allegedly signed by the DG, PHSA, who himself was not aware about it. The game was played between Mr. Muhammad Hashim ex-Chowkidar of PHS D.I.Khan, who was interested in the appointment of his son Mr. Muhammad Muzammil against retired son quota; Mr. Fayaz Gul Junior clerk of the PHS; Mr. Jan-e-Alam Senior clerk of Paramedical Institute of Medical Technologies (PIMT) D.I.Khan; some official/s of District Accounts Office (DAO) D.I.Khan and possibly one or more persons from PHSA Peshawar. A deal was done between Mr. Muhammad Hashim on one hand and Mr. Fayaz Gul on the other for a sum of PKR 300000/-. Mr. Jan-e-Alam played the role of middle man. The name(s) of the persons from PHSA Peshawar and that/those from DAO D.I.Khan are not exposed.

The fake appointment order was prepared and delivered at PHS D.I.Khan. Mr. Muzammil submitted his arrival and started working. Newly appointed DDO of PHS, Ms. Bibi Sajida forwarded the said appointment order to PHSA for verification. While the same was submitted to the DG PHSA, he got suspicious. On verification it was found that the appointment order was having fake dispatch number and the signatures of the DG PHSA were appended after scanning from other documents.

The DG PHSA constituted an inquiry committee for preliminary investigations of the case. The inquiry committee declared that the order was fake. Mr. Fayaz Gul and Mr. Jan-e-Alam were found involved in the case. The committee recommended initiation of proper disciplinary proceedings against both of them.

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Relying upon the recommendations of the committee, the DG PHSA suspended both the officials, issued charge sheets and constituted a fact-finding inquiry to proceed further.

**B- INQUIRY COMMITTEE AND ITS AUTHORIZATION**

The inquiry committee comprised of the following:

- Dr. Muhammad Daud, Additional Director General (BS-20) Chairman
- Dr. Qazi Muhammad Afsar, Director (BS-19) Member
- Mr. Taufiqullah, Administrative and Finance Officer (BS-17) Member
- Mr. Faiz Muhammad, Librarian and Litigation Officer (BS-17) Member

Ms. Bibi Sajida, Principal was deputed as well conversant person during the proceedings.

The committee was entrusted vide orders No. 42/PHSA/Admn/Enquiry/:2019-20/11815-18 Dated 14/11/2019 and No. 44/PHSA/Admn/Enquiry/:2019-20/11827-29 Dated 14/11/2019 of the office of the DG PHSA.

**C- PROCEEDINGS**

Questionnaires were prepared for the following persons, for recording their statements and cross examinations:

- 1- Mr. Jan-e-Alam, Senior Clerk PIMT D.I.Khan, the accused.
- 2- Mr. Fayaz Gul, Junior Clerk PHS, D.I.Khan, the accused.
- 3- Mr. Muhammad Hashim, Ex-Chowkidar and father of Mr. Muhammad Muzammil.
- 4- Mr. Muhammad Muzammil, Alleged Chowkidar appointed vide fake appointment order.
- 5- Ms. Bibi Sajida, Principal of PHS D.I.Khan.
- 6- Mr. Muhammad Usman, nephew / representative of Mr. Muhammad Hashim.

Mr. Muzammil did not appear before the inquiry committee when summoned at the PHSA but he appeared during the visit of the inquiry committee to

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D.I.Khan. His father, Mr. Muhammad Hashim passed away before the proceedings. One Mr. Muhammad Usman, nephew of Mr. Muhammad Hashim presented himself along with Mr. Muzammil as representative of Muhammad Hashim. His statement was also recorded.

**D- FINDINGS**

**(a) EXAMINATION OF RECORD**

The following record was examined:

- 1- Appointment order of Mr. Muzammil.
- 2- Forwarding letter of the Principal PHS D.I.Khan to DG PHSA in which she requested verification of the appointment order.
- 3- Forwarding letter of the Principal PHS D.I.Khan along with arrival report of Muzammil, his service book and source-I, to DAO D.I.Khan for activation of his salary.
- 4- Letter of the DAO office about return of the documents stated above to Mr. Jan-e-Alam.
- 5- Dispatch register of the PHSA Peshawar.
- 6- Written statement of Jan-e-Alam, along with annexures.
- 7- Written statement of Fayaz Gul along with annexures.
- 8- Written statement of Bibi Sajida along with annexures.
- 9- Written statement of Muhammad Usman, representative of Mr. Muhammad Hashim along with annexures.

**(b) EXAMINATION OF THE ACCUSED AND OTHER RELAVANT PERSONS**

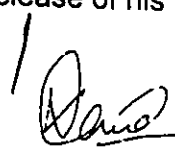
**1. GLIMPSES OF THE STATEMENT OF MR. JAN-E-ALAM**

- a. Mr. Jan-e-Alam stated that he played the role of middle man in the deed between Mr. Muhammad Hashim and Mr. Fayaz Gul regarding appointment of Mr. Muhammad Muzammil for a sum of rupees 300000/- against the post of Chowkidar which was vacated by his father on his retirement on superannuation. For his role in the deed, he received nothing as his share or commission.

*[Signature]*

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- b. He knew that it was an unfair game. He confessed that he was at fault.
- c. He told that Mr. Fayaz Gul promised with Mr. Muhammad Hashim that he would bring appointment order of Muzammil from PHSA on the strength of which, Muzammil would be posted as Chowkidar. However, he would receive Rs. 300000/- There was no written record of the deed. He told that Fayaz Gul brought a fake appointment order from PHSA Peshawar on the strength of which Muzammil submitted his arrival report and started performing his duties. At that time there was no DDO of PHS. Later when Mrs. Bibi Sajida was given the charge of DDO, Mr. Fayaz Gul prepared source-1 for starting his salary and submitted it to the office of the district accounts officer D.I.Khan.
- d. The DDO sent a letter to the office of the DG, PHSA for information and verification of the alleged appointment letter. In the office of the DG PHSA, the letter was proved to be fake and the DDO was advised to immediately stop the salary of Mr. Muzammil.
- e. When Mr. Hashim came to know that the unfair efforts did not remain fruitful, he demanded back the money paid to Mr. Fayaz Gul who straight away denied. As Mr. Jan-e-Alam was the guarantor, he paid Rs.210000/- to Mr. Muhammad Hashim from his own pocket. Later when Mr. Hashim died, he gave a further sum of Rs. 10000/- to family members of Hashim. So, he paid back a total of Rs.220000/- and the remaining sum of Rs. 80000/- were yet to be paid in the form of installments.
- f. He denied that he himself brought the appointment order from PHSA Peshawar and delivered it to the DDO of PHS D.I.Khan.
- g. He never carried the salary papers of Muzammil from PHS to DAO D.I.Khan, nor he received these back nor was he involved in misplacement of these papers.
- h. The DAO office submitted in writing that Mr. Jan-e-Alam carried away the salary papers of Mr. Muzammil which were submitted by Mr. Fayaz Gul for approval and release of his salary.



- i. Mr. Jan-e-Alam disclosed that Mr. Fayaz Gul remained involved in demanding/receiving Rs. 25000/- from Dr. Amjad Ghia; for facilitating his posting as DHO D.I.Khan; Rs. 25000/- from Mr. Salahuddin Gandapur, husband of Ms. Zubaida ex- Principal School of Nursing D.I.Khan for clearance of her withheld leave encashment at the time of her retirement and Rs. 10000/- from Mr. Riaz cook for his posting within D.I.Khan at the time of his promotion as junior clerk.

**2. SERVICE TRACK RECORD OF MR JAN-E-ALAM, SENIOR CLERK**

- a. On 01/10/1987, he was appointed as Naib Qasid in the office of the commissioner Peshawar vide order No.9244/F dated 01/10/1987 of the office of the commissioner Peshawar. He worked as Naib Qasid, Mali and Chowkidar during his stay at that office.
- b. His services were handed over to the PHSA Peshawar vide order No. 4395-03/DCO (P) EA dated 15/11/2001. Up to 31/01/2011 he served as class-IV at Postgraduate College of Nursing (PGCN) Peshawar, School of Nursing (SON) HMC Peshawar and SON Kohat.
- c. He was promoted to the post of Junior Clerk (BPS-07) by order No. 113-18/PHSA/F-03 dated 31/01/2011 of the office of the Director PHSA. He was transferred to PHS D I Khan vide order No.05/PHSA/2010-11/P&T/2396-2404 dated 02/06/2011.
- d. He was further promoted to the post of Senior Clerk (BPS- 09) on acting charge basis vide order No. F-28/PHSA/Admn/Promotion/2012-13/2971-95 dated 09/05/2013 of the office of the Director PHSA. Later he was promoted to the post of senior clerk on regular basis vide order No. 28/PHSA /Admn/Promotion Class III/2015-16 dated 14/07/2016 of the office of Director PHSA Peshawar and was posted at SON D.I.Khan.
- e. He was transferred to PIMT D.I.Khan vide order No.F-03/PHSA/Admn/P&T-Class-III/2016-17/5124-29 dated 30/10/2016 where he is serving till date.



f. His reputation amongst his colleagues and within the department was not good. During the inquiry proceedings at PHS D.I.Khan it was felt that most of the class IV employees of PHSA network working in D.I.Khan were afraid of him and nobody was ready to disclose anything adverse against him. Even his present boss Dr. Ehsan Waheed, Principal PIMT D.I.Khan was not satisfied with his performance as he (Jan- Alam) was not reliable and trustworthy. Surprisingly in the presence of a senior clerk (Jan-e-Alam) most of the responsibilities of the office had been assigned to one class IV, Mr. Mulazam Hussain.

**3. GLIMPSES OF THE STATEMENT OF MR. FAYAZ GUL, JUNIOR CLERK**

- a. He told that consequent upon his promotion as Junior Clerk, he was posted at PHS D.I. Khan. By any means he was not involved in this case nor did he receive any money in this regard. He never signed any written deed, contract, judicial stamp paper or otherwise.
- b. He did not know that the ibid appointment order was fake.
- c. All the judicial stamp papers submitted by Jan-e-Alam were unauthentic and not effective against him, at any forum.
- d. All the allegations, whatsoever, leveled against him by Jan-e-Alam were up to the effect of accusations and he (Jan-e-Alam) had no authentic prove in favor of his claims.
- e. He never received any money regarding appointment of Muzammil nor became part of any deal whatsoever.
- f. The fake appointment order in respect of Mr. Muzammil was brought to PHS by Mr. Jan-e-Alam and Mr. Muhammad Hashim and was handed over to him (Mr. Fayaz Gul) for further processing.
- g. He prepared the salary papers (arrival report, source-I and entry in service book etc.) of Muzammil, got these signed by the DDO and submitted the same in DAO office D.I. Khan on 06/09/2019 for approval and release of his salary.
- h. Mr. Jan-e-Alam threatened him of murder vide a telephonic call from the land line phone of PIMT D.I.Khan about which he had informed the Principal under intimation to the DG PHSA Peshawar.

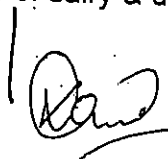
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- i. He did not know how Mr. Jan-e-Alam and Mr. Muhammad Hashim succeeded in getting the appointment order in favor of Mr. Muzammil nor did he know who prepared the fake order.
- j. He admitted that he received arrival report of Mr. Muzammil, prepared his service book, and source-I of his salary and submitted these in the office of the DAO D.I.Khan on 6<sup>th</sup> of September 2019 for release of the salary.
- k. These papers were unauthorizedly received back from DAO office D.I.Khan on 14<sup>th</sup> September 2019 by Mr. Jan-e-Alam who later on deliberately misplaced these.
- l. He agreed that at least one person each from PHSA, PHS D.I.Khan and DAO office D.I.Khan was definitely involved in this game of fake appointment. It was impossible to commit such a big act of forgery without such collusion. However, he did not disclose any name. Self-stated that Mr. Jan-e-Alam and Mr. Muhammad Hashim were well aware of such persons because during this game Mr. Muhammad Hashim telephonically contacted multiple people. Such conversations were recorded and saved in mobile phone of Mr. Muhammad Hashim which, after his death, was in the custody of his son Mr. Muzammil. Muzammil played such recorded conversations before the preliminary inquiry committee as well.
- m. He denied that he was ever involved in any deal with Mr. Salahuddin Gandapur, Dr. Amjad Ghias or Mr. Riaz and never received any money from them whatsoever.

**4. SERVICE TRACK RECORD OF MR FAYAZ GUL**

- a. He was appointed as Muslim Sweeper on fixed pay for six months duration at PHSA Peshawar vide order No. 3635-38/M-6/Estt; PHSA dated 28/05/2004 of the Director PHSA Peshawar. When and how his services were regularized was not known.
- b. He was promoted to the post of Computer Lab. Assistant (BPS-07) vide order No.2244-o47/PHSA/F-3 dated 14/05/2011 of the Director PHSA and was posted at PHSA Peshawar. Having appointed against that post, he had been performing duties of dairy & dispatch clerk.



- c. He was further promoted to the post of junior clerk (BPS-11) vide order No.28/Admn/PHSA/Promotion/Class-III/2018/9262-67 dated 27/09/2019 of the DG PHSA Peshawar and was posted at PHS D.I.Khan. His promotion was on the basis of 33% quota seats from class IV employees, whereas he was not a class IV meaning there by he was not having any right of promotion under 33% quota of class IV. The PHSA seeked the opinion of law Department through secretary health regarding promotion of Mr. Fayaz Gul vide letter No.28/Admn/Promotion File/2194-95 dated 14/05/2019. In this matter the record of the PHSA stands silent and needs investigation.
- d. He remained a party of court cases multiple times for gaining right or wrong benefits of his promotion and otherwise. All such cases need thorough investigation.
- e. He served at PHSA Peshawar for quite a long duration, had deep roots in the PHSA and was well aware of the persons and systems of PHSA.
- f. He seemed to be quite a clever person and had left no documentary proves of his alleged unfair activities.

**5 STATEMENT OF MR USMAN SHAHEEN. (RELATIVE OF LATE MR MUHAMMAD HASHIM)**

- a. He stated that Mr. Muhammad Hashim himself told him many things regarding appointment of Mr. Muzammil and many a times he accompanied Muhammad Hashim during different events.
- b. Mr. Muhammad wished that his son, Mr. Muzammil might be appointed against son quota. For that purpose, he paid Rs. 300000/- to Mr. Jan-e-Alam who gave this money to Mr. Fayaz Gul for distribution amongst the persons involved in the process.
- c. On the day when Mr. Muhammad Hashim came to know that the appointment order was fake, he contacted Jan-e-Alam who called him to a shop near Bloch Hotel. Usman Shaheen accompanied Mr. Muhammad Hashim. Ali driver of PHS was also present there with Jan-e-Alam. There Mr. Jan-e-Alam paid Rs.130000/- to Mr. Muhammad Hashim and promised to pay the remaining money in installments.



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- d. Mr. Muhammad Hashim further told him that he (Mr. Muhammad Hashim) withdrew Rs. 300000/- from his account in National Bank vide cheque No.5955191 on 02/07/2019 for payment to Jan-e-Alam. He attached photocopy of bank statement showing debit of the same money from the said account on the said date.
- e. After a few days, Mr. Jan-e-Alam called him to PIMT D.I.Khan and handed him over the appointment order in favor of Mr. Muzammil.
- f. He told that Mr. Muzammil has lodged a civil suit in the lower court at D.I.Khan for his right and has also submitted an application in anti-corruption establishment office at D.I.Khan against this fraudulent case.

**6. STATEMENT OF Ms. BIBI SAJIDA, PRINCIPAL PHS D.I.KHAN**

- a. She stated that she was appointed as DDO of PHS D.I.Khan on 03/09/2019 vide order No. 79/PHSA/Acctt/P&T/2018-19/1(478 dated 03/09/2019 of the DG PHSA. She took charge of the seat on 04/09/2019.
- b. On 06/09/2019, Mr. Fayaz Gul brought papers of Mr. Muzammil to her office for forwarding these to the DAO office and requested her to expedite this task so that the salary of the poor might start earlier.
- c. On 12/09/2019, she was called for a meeting at PHSA. There she came to know that appointment order of Mr. Muzammil was fake. The DG PHSA directed her not to start his salary and to withdraw the papers from DAO office if she had already done so. She telephonically contacted Mr. Atullah, the DAO D.I.Khan and requested him to stop the salary of Mr. Muzammil. In response the DAO demanded written request for this purpose. On 13/09/2019/ she reached D.I.Khan and sent written request to the DAO.
- d. The same day she sent the allegedly fake order of Mr. Muzammil to PHSA for verification.
- e. She demanded back source-I and service book of Mr. Muzammil from the DAO Mr. Naeem, diary and dispatch clerk of DAO office D.I.Khan told her that Mr. Jan-e-Alam had already carried those papers. Later,





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on 18/09/2019; the DAO office D.I.Khan gave a written statement as well to that effect.

- f. She had already presented herself before the inquiry committee for preliminary investigations along with Fayaz Gul, Jan-e-Alam and Muhammad Hashim on 24/09/2019 at PHSA, Peshawar.

#### 7. SUPPORTIVE FINDINGS

- a. During the pendency of the present inquiry, another fake appointment case in respect of Mr. Ali Haider appointed as Bearer at the same Public Health School D.I. Khan since 15.10.2018, also surfaced for which a preliminary inquiry was ordered vide Director General, Provincial Health Services Academy Peshawar letter no. 42/PHSA/Admn/inquiry/2019-20/11808-13 dated 14.11.2019. It is pertinent to mention here that both Mr. Jan-e-Alam Senior Clerk and Mr. Fayaz Gul Junior Clerk were accused by Mr. Ali Haider for the same charges as per findings of the preliminary inquiry proceedings till date.
- b. The above identical case shows that both the employees i.e. Jan-e-Alam and Mr. Fayaz Gul, have been part of collusion and their conduct remained unbecoming of a gentleman.

#### E. CONCLUSIONS

1. The appointment letter of Mr. Muzammil as Chowkidar PHS D.I. Khan proved to be fake beyond any reasonable doubt, and was a result of collusion amongst Mr. Muhammad Hashim ex- Chowkidar of PHS D.I.Khan, Mr. Jan-e-Alam Senior Clerk PIMT D.I.Khan, Mr. Fayaz Gul Junior Clerk PHS D.I.Khan, possibly one or more persons from DG office PHSA Peshawar, possibly one or more persons from D.A.O office D.I.Khan and possibly anyone else.
2. Mr. Muhammad Hashim definitely paid Pak. Rs. 300000/- (Three Lacs only) as received by Mr. Jan-e-Alam for appointment of his son at PHS D.I. Khan. This money was distributed among Mr. Jan-e-Alam, Mr. Fayaz Gul and other possible persons.




- 3- When the fakeness of the appointment order was disclosed, Mr. Muhammad Hashim demanded back his money, major portion of which had been paid back by Mr. Jan-e-Alam. Still some amount was lying outstanding against the accused persons. However, this department has nothing to do with such payments, the matter being concern of the parties.
- 4- Mr. Jan-e-Alam, Senior Clerk confessed to receive the amount on behalf of Mr. Fayaz Gul and hence proved beyond any reasonable doubt to be guilty of corruption and misconduct under sub-rule (1), clause (g) and (l) of rule 2 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and rule 4A of the Government of Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987 and is liable to be awarded major penalty under the rules *ibid*.
- 5- Based on sufficient oral evidence, series of events, manipulation of record and his service track record, the enquiry committee is satisfied of the collusion and to declare Mr. Fayaz Gul, Junior Clerk guilty of corruption and misconduct under sub-rule (1), clause (g) and (l) of rule 2 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and rule 4A of the Government of Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987 and is liable to be awarded major penalty under the rules *ibid*.
- 6- Recently, another identical case of fake appointment from 2018 in respect of Mr. Ali Haider, surfaced in the same institute also points to the same two employees with the same charges.
- 7- There are certain employees posted in office of the DG PHSA at Peshawar who are habitually involved in the act of forgery and manipulation of the record.

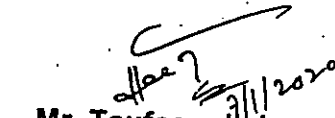
**RECOMMENDATIONS**

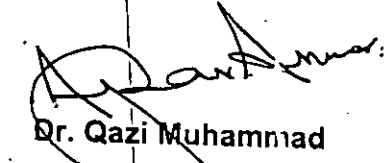
- 1- Mr. Muzammil has got a right to be appointed against any appropriate post against retired son quota on his turn as per rules.
- 2- Mr. Jan-e-Alam, Senior Clerk (BPS-14) may be awarded major penalty of removal from service under sub-rule (1), clause (b), sub-clause (iii) of rule 4 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.


*1*  
*Dave*

- 3- Mr. Fayaz Gul, Junior Clerk (BPS-11) may be awarded major penalty of removal from service under sub-rule (1), clause (b), sub-clause (iii) of rule 4 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.
- 4- Mr. Muhammad Hashim has already passed away, hence nothing is recommended against him or in his favor.
- 5- Investigation may be conducted to find out the culprits within the office of the DG PHSA Peshawar who are habitually involved in the act of forgery to prevent such untoward future events.
- 6- Investigations may be conducted to find out cases of similar nature of fake appointments in all the institutes of PHSA network.

  
Mr. Faiz Muhammad  
Librarian (BPS-17),  
PHSA

  
Mr. Taufeequillah  
Administrative Officer  
(BPS-17), PHSA

  
Dr. Qazi Muhammad  
Afsar Director (BPS-19),  
PHSA

  
Dr. Muhammad Daud  
Additional Director  
General (BPS-20),  
PHSA



P-23

**PROVINCIAL HEALTH SERVICES ACADEMY**  
Government of Khyber Pakhtunkhwa  
Health Department



H/c A/7  
==

**SHOW CAUSE NOTICE**

I, Dr. Janbaz Afridi, DG PHSA Peshawar as Competent authority under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, do hereby serve upon you, Mr. Jan-e Alam, Senior Clerk BPS-14, posted at Paramedical Institute of Medical Technology, Dera Ismail Khan, as follows: -

(i) That consequent upon the completion of inquiry conducted by the inquiry committee so constituted under Rule 10 of E&D Rules 2011 against you, for which you were given opportunity of hearing.

(ii) On going through the findings and recommendations of the inquiry committee, the material on record and other connected papers including your defense before the inquiry committee, I am satisfied that you have committed the following acts/ omissions specified in rule 3 of the rules ibid.:

- a. **Guilty of Corruption; and**
- b. **Guilty of Misconduct.**

2. As a result, thereof, I, as competent authority, have tentatively decided to impose upon you the following penalty under sub-rule (1), clause (b), sub-clause (iii) of Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011: -

**Removal from Service.**

3. You are therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within seven days of its delivery, it will be presumed that you have no defense to put in, and in that case an ex-parte action will be taken against you.

**Director General**  
**PHSA, Peshawar Khyber Pakhtunkhwa**

No. <sup>42</sup> /PHSA/Admn/*Inquiry* /2019-20/ *03-88*

Dated: *08-01-2020*

**Copy forwarded to the: -**

- 1- Members Inquiry Committee.
- 2- Principal PIMT, D.I. Khan.
- 3- District Accounts Officer, Dera Ismail Khan.
- 4- Mr. Jan-e Alam, Senior Clerk BPS.14, Paramedical Institute of Medical Technology, Dera Ismail Khan.
- 5- Personal file.
- 6- Record.

**Director General**  
**PHSA, Peshawar Khyber Pakhtunkhwa**

P-24

A/8

To,

Director General,  
PHSA, Khyber Pakhtunkhwa.

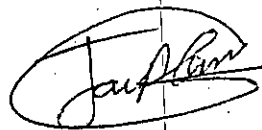
Subject:- REPLY TO SHOW CAUSE NOTICE.

Reference No. 42/PHSA/Admn/Inquiry/2019-20/83-88  
Dated: 08/01/2020 On The Subject Noted Above.

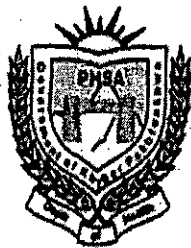
Respectfully Stated,

1. That the undersign throughout his career has remained obedient of his superior officers.
2. That throughout my service non of my single has ever made a complaint against me regarding a single penny embezzlement.
3. That there is no reference to any embezzlement of government finance in the instant show cause notice, if any, may kindly be provided to the undersign so that a proper reply in the light of same is submitted before your good self.

Hence it is requested to please withdraw the instant show cause notice in the light of above reply.



Pir Jan Alam  
Senior Clerk  
PIMT, D.I.Khan



**PROVINCIAL HEALTH SERVICES ACADEMY**  
Government of Khyber Pakhtunkhwa  
Health Department

P-25



A/9

No. 42 /PHSA/Admn/*Inquiry* /2019-20/ 651-63

Dated: 29/01/2020

To

1. Mr. Pir Jan e Alam Senior Clerk, PIMT D.I.KHAN.
2. Mr. Fayyaz Gul Junior Clerk, PHS D.I.KHAN.

Subject: **PERSONAL HEARING**

Memo,

Reference to the show cause notice served upon you on charges of misconduct & corruption and, on submission of your reply to the same, the Undersigned desires to hear you in person on Thursday, 10:00am, 6<sup>th</sup> February, 2020.

In this connection you are hereby directed to make yourself available before the undersigned on above mentioned date and time **POSITIVELY**.

S/d\*\*\*\*\*  
Director General (Health)  
PHSA, Khyber Pakhtunkhwa

No. 42 /PHSA/Admn/*Inquiry* /2019-20/ 651-63

Dated: 29/01/2020

Copy for information;

- 1) Director HRD, PHSA, Peshawar.
- 2) Director Administration, PHSA, Peshawar.
- 3) Director Paramedics, PHSA, Peshawar.
- 4) Principal PIMT, D.I.Khan, with the request to relieve the official for personal hearing.
- 5) Deputy Director (Admin), PHSA, Peshawar.
- 6) Vice Principal, PHS D.I.Khan, with the request to relieve the official for personal hearing.
- 7) Librarian, PHSA, Peshawar.
- 8) Admin-officer –II, PHSA, Peshawar.
- 9) Account officer, PHSA, Peshawar.
- 10) Inquiry Committee Members.
- 11) P.A to Director General, PHSA, Peshawar.
- 12) Official Concerned.
- 13) Personal file.

*[Signature]*  
29/01/2020  
Director Management  
PHSA, Khyber Pakhtunkhwa



P-26 A/10  
**PROVINCIAL HEALTH SERVICES ACADEMY**

Government of Khyber Pakhtunkhwa  
Department of Health



F. No. 42/ PHSA/Admin/Enquiry/2019-20/1128-32

Dated: 21.02.2020

Mr. Pir Jan Alam  
Senior Clerk (BPS-14)  
Paramedical Institute of Technologies (PIMT)  
Dera Ismail Khan

**SUBJECT: OFFICE ORDER REGARDING REMOVAL FROM SERVICE**

**WHEREAS** Principal, Public Health School (PHS) D.I.Khan forwarded and enclosed an appointment order bearing No. F-05/Admn/App-IV/8068-73 dated 09/08/2019 of PHSA and respective arrival report of Mr. Muzamil S/o Mr. Muhammad Hashim ex-chowkidar vide their letter No. 1086/PHS-DIK/Admn: dated 14.09.2019 for verification and guidance;

**AND WHEREAS** the undersigned after thoroughly checking its record, found that no such order is issued from this office. Therefore, the office of undersigned informed Principal, Public Health School (PHS) D.I.Khan accordingly vide letter No. 42/PHSA/Admin/Inquiry/2019-20/10937-38 dated 27.09.2019;

**AND WHEREAS** the office of undersigned ordered a preliminary inquiry on 17.09.2019 to find facts into the reference appointment order;

**AND WHEREAS** the preliminary committee submitted its report on 02.10.2019;

**AND WHEREAS** in light of findings of the preliminary Inquiry report, the reference appointment order is found to be fake, evident from the written statement of the then signatory;

**AND WHEREAS** disciplinary proceedings were initiated on 14.11.2019 on account of your alleged involment in corruption and misconduct;

**AND WHEREAS** subsequently, a disciplinary inquiry was ordered on 14.11.2019;

**AND WHEREAS** the disciplinary inquiry committee submitted its final report with recommendations on 07.01.2020;

**AND WHEREAS** in light of the disciplinary committee's findings, the charges leveled against you were proved and you were found guilty of corruption and misconduct under sub-rule (1), clause (g) and (l) of rule 2 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 framed under section-16 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with mis-conduct in terms of rule 4A of conduct rules 1987 made under the provision of section 15 of the Khyber Pakhtunkhwa Civil Servants Act, 1973.

Address: Near Northren Bypass, Dauranpur, Peshawar, Ph:091-2614223-5, Fax:091-26143609

Website: [www.phsa.edu.pk](http://www.phsa.edu.pk)

Email: [info@phsa.edu.pk](mailto:info@phsa.edu.pk)



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**PROVINCIAL HEALTH SERVICES ACADEMY**

Government of Khyber Pakhtunkhwa  
Department of Health



Therefore the undersigned issued respective show cause notice as duly communicated to you, tentatively imposing the major penalty i.e. Removal from Service on 08.01.2020;

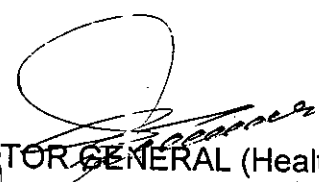
**AND WHEREAS** you submitted your reply to the show cause notice on 17.01.2020;

**AND WHEREAS** your reply was found unsatisfactory and it was decided to hear you in person, in order to provide you fair opportunity of personal hearing;

**AND WHEREAS** your personal hearing with the undersigned was held on 07.02.2020;


**AND WHEREAS** you failed to provide any other evidence new to what you had presented to the inquiry committee;

**AND NOW THEREFORE** I, Dr. Muhamamd Ayub Rose, Director General (BPS-20) PHSA, Peshawar, after having considered charges and evidence on record thereby in exercise of the power conferred under sections 16 of *The Khyber Pakhtunkhwa Civil Servant Act, 1973 read with section 15 accordingly* as the rules made thereunder i.e. Khyber Pakhtunkhwa Government Servants (E&D) Rules 2011 under clause (ii), sub rule (5) of Rule 14, being the competent Authority has been pleased to impose upon you the major penalty as specified in sub-rule(1), clause(b), Sub-Clause(iii) of rule-4 i.e. to remove you, Mr. Pir Jan Alam BS-14, Senior Clerk PIMT D.I.Khan, from service with immediate effect.

  
DIRECTOR GENERAL (Health)  
PHSA, Peshawar

**Endorsement of Even No. & Date:**

1. Principal Paramedical Institute of Medical Technologies (PIMT), D.I.Khan.
2. District Accounts Officer, Dera Ismail Khan.
3. IT In-charge PHSA.
4. PS to Secretary Health, Khyber Pakhtunkhwa.

  
DIRECTOR GENERAL (Health)  
PHSA, Peshawar

Address: Near Northren Bypass, Dauranpur, Peshawar, Ph:091-2614223-5, Fax:091-26143609

Website: [www.phsa.edu.pk](http://www.phsa.edu.pk)

Email: [info@phsa.edu.pk](mailto:info@phsa.edu.pk)



**BEFORE THE HON'BLE SERVICE TRIBUNAL, PESHAWAR**

**Service Appeal No. 5690/2020**

Pir Jan Alam, Ex-Senior Clerk  
Paramedical Institute of Technology (PIMT) Dera Ismail Khan

..... Appellant

Versus

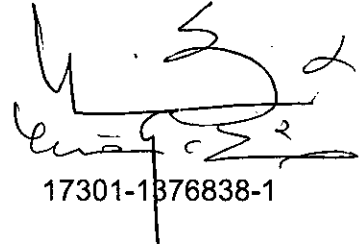
- 1. The Secretary Health Department, Government of Khyber Pakhtunkhwa  
Director General, Provincial Health Services Academy, Budhni road Doranpur  
Peshawar
- 5. Principal Paramedical Institute of technology Dera Ismail Khan.
- 6. Principal Public Health School D.I. Khan

..... Respondents

**AFFIDAVIT**

I, Mr. Faiz Muhammad Litigation Officer PHSA, do hereby solemnly affirm and declare that the contents of parawise reply on behalf of respondent No. 1 and 2 to the instant service appeal is true and correct to the best of my knowledge and belief.

DEPONENT



17301-1376838-1

Identified by:

Additional Advocate General  
KP Service Tribunal, Peshawar



PROVINCIAL HEALTH SERVICES ACADEMY  
HEALTH DEPARTMENT  
GOVERNMENT OF KHYBER PAKHTUNKHWA



F.No. *43* /PHSA/LITIGATION/ *2613*

Date: /3 11.2020

Secretary to Government of KP  
Health Department, Peshawar

Subject: **Authority in Service Appeal No. 5690/2020 Titled "Pir Jan Alam Vs Government"**

Sir,

With reference with your goodself office letter no.SOH(Lit-II)/13-4481/2020 dated: 10.08.2020 on subject appeal, Mr. Faiz Muhammad, Litigation Officer PHSA is pleased to be deputed as departmental representative and to assist the law officer representing the Government in the court on each date of hearing.

  
DIRECTOR GENERAL  
PHSA, Peshawar

Copy forwarded for information to:

1. Registrar, KP Service Tribunal Peshawar
2. AAG, Service Tribunal Peshawar
3. S.O-III, Health Department Peshawar

**BEFORE THE HON'BLE SERVICE TRIBUNAL, PESHAWAR**

**Service Appeal No. 5690/2020**

Pir Jan Alam, Ex-Senior Clerk

Paramedical Institute of Technology (PIMT) Dera Ismail Khan

..... Appellant

Versus

1. The Secretary Health Department, Government of Khyber Pakhtunkhwa
2. Director General, Provincial Health Services Academy, Budhni road Doranpur Peshawar
3. Principal, Paramedical Institute of technology Dera Ismail Khan.
4. Principal, Public Health School Dera Ismail Khan

..... Respondents

**INDEX**

<b>S. No.</b>	<b>Description of Documents</b>	<b>Annexure</b>	<b>Pages</b>
1.	Para-wise comments submitted by respondent No. 01 and respondent No 2		1-2
2.	Office order of Inquiry committee Dated 17.09.2019 (A/1), Preliminary Inquiry Report Dated 02.10.2019 (A/2), Charge Sheet (A/3) & Suspension Order (A/4) Dated 14.11.2019, Disciplinary Inquiry Committee Order Dated 14.11.2019 (A/5), Disciplinary Committee Report Dated 07.01.2020 (A/6), Show Cause Notice Dated 08.01.2020 (A/7), Show Cause Notice Reply dated: Nil (A/8) Personal Hearing Dated 07.02.2020 (A/9) Impugned Office Order regarding Removal from service Dated 21.02.2020 (A/10)	A/1 to A/10	3-27
3.	Affidavit / Authority Letter	B	28-29

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

Service Appeal No, 5690/2020

Pir Jan Alam, Ex-Senior Clerk

Paramedical Institute of Technology (PIMT) Dera Ismail Khan

.....Appellant

Versus

1. The Secretary Health Department Government of Khyber Pakhtunkhwa
2. Director General Provincial Health Services Academy, Budni Road Doranpur Peshawar.
3. Principal Paramedical Institute of Technology Dera Ismail Khan.
4. Principal, Public Health School Dera Ismail Khan.

.....Respondents

**PARA-WISE COMMENTS SUBMITTED BY RESPONDENT NO.4**

Respectfully Sheweth:

**PRELIMINARY OBJECTIONS:**

- I. That the appellant has got neither cause of action nor locus standi to file the instant appeal.
- II. That the instant appeal is against the prevailing law and Rules.
- III. That the Appeal is not maintainable in its present form.
- IV. That the appellant has not come to the tribunal with a clear hand and hit by laches.
- V. That the appellant is bad due to non-joinder and misjoinder of necessary parties.
- VI. That the appellant has filed the instant appeal with mala-fide intention hence liable to be dismissed.

**FACTS:**

1. Pertains to record, hence no comments,
2. Pertains to record, hence no comments.
3. Pertains to record, hence no comments.
4. Incorrect. The disciplinary proceedings were initiated on 14.11.2019. The inquiry committee found the appellant involvement in the dealing of fake appointment order/recruitment of Mr. Muzamil. Furthermore, the committee found the appellant guilty of receiving cash from Mr. Hashim Khan for the recruitment of his son i.e Mr Muzamil by pretending that the cash was handed over to the only dealing clerk of the institute i.e Mr Qari Fayaz Junior Clerk PHS DIKhan to which the appellant colluded with. This act confirmed his involvement in a fake order issued to Mr. Muzamil for recruitment/Appointment accordingly. (Annexure A/1 to A/10)
5. Pertains to record
6. Before issuing the impugned removal order dated 21.02.2020, all the codal formalities including personal hearing were followed as per prevailing laws and rules,
7. The impugned order is explicit in nature as evident from its chronological clauses depicting the observance of all codal formalities. Entire prescribed disciplinary procedures and legal provisions were observed. The appellant was properly charged, the inquiry was conducted and the appellant was given the opportunity to hear

him in person, hence the impugned order is issued in accordance with prevailing laws and rules.

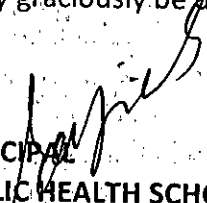
8. No comments.

**GROUND:**

- A. Incorrect. The appellant was involved in the provision and facilitation of the fake appointment order thereby using corrupt practices in violation of conduct. Efficiency and discipline rules violating badly the rights of the public. The appellant was treated in accordance with the laws and rules as all the codal formalities including preliminary inquiry, charge sheet, disciplinary inquiry, show cause notice, reply to show cause order was issued in accordance with law and rules. (Annexure A/1 to A/10)
- B. A proper record of the personal hearing is available in the department and can be made available as evidence.
- C. As explained in Para-A.
- D. Pertains to record.
- E. As explained in Para-A.
- F. Correct, hence the appellant issued a fake order
- G. The appellant is penalized according to his guilt i.e corruption and misconduct.

**PRAYER:**

In view of the above, it is therefore requested that the instant appeal being devoid of merit many graciously be dismissed.

  
**PRINCIPAL**  
**PUBLIC HEALTH SCHOOL DERA ISMAIL KHAN.**  
**(Respondent NO.4)**



PROVINCIAL HEALTH SERVICES ACADEMY  
Government of Khyber Pakhtunkhwa  
Department of Health



OFFICE ORDER.

The following Inquiry Committee is hereby constituted to probe into the case of fake appointment order of chowkidar at public health school D.I.Khan and to submit the detail report to proceed further in the matter.

1. Dr. Sher Ali Director PHSA
2. Dr. Shaida Hussain Bukhari Deputy Director PHSA
3. Mr. Husnain Zia P.A to Director General PHSA

Chairman.  
Member.  
Member.

The committee will conduct the inquiry of the following officers/officials on 24-09-2019 at 10.00 am at PHSA under the Chairmanship of the chairman inquiry committee.

1. Mr. Fayyaz Gul Junior Clerk PHS D.I.Khan.
2. Mr. Pir Jan Alam Senior Clerk presently PIMT D.I.Khan.
3. Mr. Muhammad Hashim Khan (Ex-employee) & F/o Mr. Muhammad Muzamil D.I.Khan.
4. Hostel Wardan PHS D.I.Khan.

-----Sd/-----  
DIRECTOR GENERAL HEALTH  
PHSA, PESHAWAR.

No. 42/PHSA/Admnl *Muzamil* 2019-20/10729-33 Dated 17/09/2019

Copy for information to:

1. Dr. Sher Ali Director PHSA Peshawar.
2. Dr. Shaida Hussain Bukhari Dy. Director PHSA.
3. Mr. Husnain Zia P.A to Director General PHSA.
4. Mrs. Sajida Principal PHS D.I.Khan
5. All concerned.

*[Signature]*  
17/09/2019  
DIRECTOR MANAGEMENT

P-4

A/2

*h/c*

The Director General (Health),  
PHSA, Peshawar.

Subject: ENQUIRY REGARDING FAKE OFFICE ORDER

Sir,

Reference your office order No. 42/PHSA/Admn/Inquiry/2019-20/10729-33 dated: 17-09-2019 on the above cited subject where in the undersigned were nominated as enquiry officer to conduct enquiry against a fake appointment order.

BACKGROUND:

Mr. Muhammad Muzamil S/O Muhammad Hashim Khan, resident of D.I.Khan was appointed as Chowkidar (BPS-03), vide fake appointment order No. F-05/Admn/App-IV/8068-73 dated: 09/08/2019 (Copy attached as Annexure-A). In this regard the Principal Public Health School D.I.Khan vide letter No. 1086/PHS-DIK/Admn:/ dated: 14/09/2019 (Copy attached as Annexure-B) requested for verification of above mentioned appointment order.

PROCEEDING:

1. Mr. Muhammad Hashim Khan father of Mr. Muhammad Muzamil was called who submitted a written statement (Attached as Annexure-C).
2. Junior Clerk Mr. Fayaz also submitted a written statement (Attached as Annexure-D).
3. A questionnaire was prepared and served upon Mr. Fayaz, Junior Clerk, PHS D.I.Khan, Mrs. Sajida, Principal PHS D.I.Khan and Mr. Jan Alam, Senior Clerk PIMT D.I.Khan (Copy attached as Annexure-E1 & E2).
4. Mr. Jan Alam submitted an application requesting for exemption from enquiry (Copy attached as Annexure-F).
5. A reminder (copy attached as Annexure-G) was served upon Mr. Jan Alam, Senior Clerk, PIMT D.I.Khan to appear before the inquiry committee, who appeared and submitted a written statement (Copy attached as Annexure-H1, H2 & H3) on 01/10/2019.
6. Mr. Jan Alam Senior Clerk, PIMT D.I.Khan presented a stamp paper dully attested by the oath commissioner (Photocopy attached as Annexure-I).

FINDINGS/CONCLUSION:

Mr. Muhammad Hashim Khan in his written statement disclosed that he got the order after giving Rs. 3,35,000/- (Three Lakh & Thirty Five Thousand rupees

*[Signature]*

*[Signature]*

*[Signature]*

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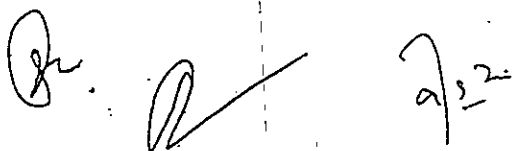
only) to Mr. Jan Alam Senior Clerk PIMT D.I.Khan. Mr. Muhammad Hashim Khan was appointed as Chowkidar on 02/10/1984. He submitted an application for retirement on 27/02/2019. Resultantly he was declared retired from government service on 14/04/2019 (AN) on attaining the age of 60 years vide DG PHSA office order No. F-81/Admn./Retirement File/869-73 dated: 22/04/2019.

Mr. Jan Alam, Senior Clerk, PIMT D.I.Khan in his written statement accepted financial dealing in issuing the fake appointment order. However, in his written statement he accepted that he played a role of middle man between Mr. Fayaz Gul, Junior Clerk, PHS D.I.Khan and Mr. Muhammad Hashim Khan. The amount i.e. Rs. 3,00,000/- (Three Hundred Thousands only) was collected from Muhammad Hashim Khan and was handed over to Mr. Fayaz Gul, Junior Clerk, PHS D.I.Khan in lump sum.

Mr. Jan Alam was appointed as Naib Qasid in the office of Commissioner Peshawar vide order No. 9244/F dated: 01/10/19987. As per his service book record he worked as Naib Qasid, Mali and Chowkidar during his service in the commissioner Peshawar office. He entered in the PHSA Network as Chowkidar on 16/11/2001 vide order No. DCO o/o No. 4395-03/DCO (P) EA. Dated: 15/11/2001, he was posted in Post Graduate College of Nursing Hayatabad Peshawar from there he was transferred to School of Nursing Hayatabad HMC Peshawar vide Director PHSA office order No. 6426-30/M-3/Estt; PHSA. dated: 22/11/2004. He was transferred to School of Nursing Kohat vide Director PHSA office order No. 05/PHSA/Admn/P&T-IV/2004-05/5508-10 dated: 21/11/2005. He was promoted to the post of Junior Clerk (BPS-07) vide Director PHSA order No. 113-18/PHSA/F-03 dated: 31/01/2011 and was transferred to Public Health School D.I.Khan vide Director PHSA order No. 05/PHSA/2010-11/P&T/2396-2404 dated: 02/06/2011. Interestingly he was promoted to the post of Senior Clerk (BPS-09) on acting charge basis vide Director PHSA order No. F-28/PHSA/Admn/Promotion/2012-13/2971-95 dated: 09/05/2013 and was promoted on regular basis as Senior Clerk vide Director PHSA order No. 28/PHSA/Admn/Promotion Class-III/2015-16/3170-78 dated: 14/07/2016 and posted in School of Nursing D.I.Khan. He was transferred to PIMT D.I.Khan vide Director PHSA order No. F-03/PHSA/Admn/P&T-Class-III/2016-17/5124-29 dated: 30/10/2016.

Mr. Fayaz Gul, Junior Clerk, PHS D.I.Khan in his written statement denied any financial dealing in issuance of the fake appointment order. On-going through the personnel file of Mr. Fayaz Gul, Junior Clerk, PHS D.I.Khan the undersigned noted that he was appointed as Muslim Sweeper and was promoted to Junior Clerk. Mr. Fayaz Gul, Junior Clerk, PHS D.I.Khan. He prepared the salary proforma source - 1 of Mr. Muhammad Muzamil S/O Muhammad Hashim Khan.

Mr. Fayaz Gul was appointed as Muslim Sweeper on fixed pay for the 06 months duration at PHSA vide order No. 3635-38/M-6/Estt;PHSA dated: 28/05/2004





5/

Copy attached as Annexure-J). As per record he was promoted to the post of Computer Lab Assistant (BPS-07) vide Director PHSA order No. 2244-47/PHSA/F-3. Dated: 14/05/2011 and posted at PHSA Peshawar. He was promoted to the post of Junior Clerk (BPS-11) vide Director General order No. 28/Admn/PHSA/Promotion Class-III/2018/9262-67 dated: 27/09/2018 and posted at Public Health School D.I.Khan. Then a letter No. 28/Admin/Promotion File/2194-95 dated: 14/05/2019 (Copy attached as Annexure-K) was sent to Secretary Health, Govt. of Khyber Pakhtunkhwa for opinion of law department on promotion as a Junior Clerk, the reply of mentioned above letter is not available.

After going through the statements Mr. Fayaz Gul, Junior Clerk, PHS D.I.Khan, Mr. Muhammad Hashim Khan, and Mr. Jan Alam, Senior Clerk, PIMT D.I.Khan the undersigned reached at the conclusion that;


- a. A fake appointment order was handed over to Mr. Muhammad Hashim Khan and that financial dealing / bribe in the form of Rs. 3,00,000/- (Three Hundred Thousands only) was used in the dealing.
- b. Mr. Jan Alam, Senior Clerk, PIMT D.I.Khan played a vital role in dealing.
- c. Mr. Fayaz Gul, Junior Clerk, PHS D.I.Khan although denied any financial dealing, however he was involved in the preparing of salary proforma source - 1.
- d. Last but not the least Mr. Muhammad Hashim Khan accepted that he used money for fake appointment order.

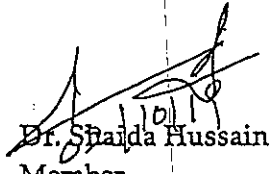
**RECOMMENDATIONS:**

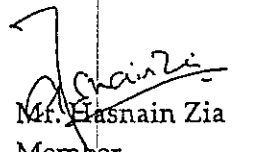
The committee would like to recommend the following penalties however final decision is left to the discretionary power of the competent authority;

1. Compulsory retirement of Mr. Jan Alam, Senior Clerk, PIMT D.I.Khan.
2. Reversion of Mr. Fayaz Gul, Junior Clerk, PHS D.I.Khan to his original post i.e. Muslim Sweeper.
3. Mr. Muhammad Muzamil S/O Muhammad Hashim Khan may be appointed on retired son quota as per rules.
4. Confiscation of one year pensionary benefits of Mr. Muhammad Hashim Khan, Ex-Chowkidar, PHS D.I.Khan.

Submitted for perusal please.

  
Dr. Sher Ali  
Chairman  
Inquiry Committee  
02/10/19

  
Dr. Shaida Hussain  
Member  
Inquiry Committee

  
Mr. Hasnain Zia  
Member  
Inquiry Committee



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**PROVINCIAL HEALTH SERVICES ACADEMY**  
Government of Khyber Pakhtunkhwa  
Health Department



No. 42 /PHSA/Admnl Enquiry/2019-20/11814-

Dated: 14/11/2019

**CHARGE SHEET.**

1. **WHEREAS**, it was reported that a fake office order for appointment in respect of Mr. Muhammad Muzamil S/O Muhammad Hasham has been issued, at Public Health School DI Khan;
2. **AND WHEREAS** the Principal Public Health School DI Khan also sent the office order, for verification and guidance, vide No. 108/PHS-DIK dated. 14/09/2019;
3. **AND WHEREAS** a preliminary enquiry was conducted in the matter to probe into the matter;
4. **AND WHEREAS** the enquiry committee found you to be involved in this practice. Hence the competent authority, in this case, is of the opinion that sufficient grounds exist to initiate disciplinary proceedings against you under the Government Servants Efficiency and Discipline Rules 2011;
5. **NOW THEREFORE** I, Dr. Janbaz Afridi, Director General Provincial Health Services Academy being the Competent Authority, hereby charge you Mr. Jan E Alam Senior Clerk (BS-14) posted at Paramedical Institute of Medical Technology (PIMT) DI Khan, as follow:
  1. Guilty of corruption and
  2. Misconduct.
6. By reasons of the above you appear to be guilty under Rules-3 of the Khyber Pakhtunkhwa Government Servants Efficiency & Discipline Rules: 2011 and have rendered yourself liable to all or any of the penalties specified in Rules-4 of the Rules ibid.
7. For the purpose of enquiry against you with reference to the above allegations, an enquiry committee, consisting of the officers, as prescribed in the attached disciplinary action proforma, constituted under Rules-10(1)(a) of the (ibid) Rules.
8. You are therefore required to submit your written defense within 14 days of the receipt of this charge sheet to the enquiry officers appointed for the purpose of your case.
9. Your written defense, if any, should reach the enquiry committee within the specified period, failing which, it will be presumed that you have no defense to put in and in that case ex-parte action will be taken against you.
10. A statement of allegation is enclosed.

(Dr. Janbaz Afridi)  
Director General (Health)  
PHSA, Khyber Pakhtunkhwa

Peshawar

Mr. Jan E Alam S/O Latif Shah Quraishi

Senior Clerk (BS-14) PIMT DI Khan resident of Public Health School Colony DI Khan.



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**PROVINCIAL HEALTH SERVICES ACADEMY**  
Government of Khyber Pakhtunkhwa  
Health Department



**ENQUIRY OFFICER:**

In exercise of powers conferred under section-6 of Khyber Pakhtunkhwa Government Servant Efficiency & Discipline Rules-2011 read with section-3 of the rules ibid, the competent authority has been pleased to place the following officials under suspension for a period of 90 days or till further orders:

S/NO	Name of official	Place of posting
1	Mr. Jan E Alam Senior Clerk (BS-14)	Paramedical Institute of Medical Technology DI Khan
2	Mr. Fayaz Gul Junior Clerk (BS-11)	Public Health School DI Khan.

(Dr. Janbaz Afridi)  
Director General (Health)  
PHSA, Khyber Pakhtunkhwa

No. 44 /PHSA/Admn/ *Enquiry* /2019-20/ 11836-39 Dated: 14/11/2019

- I. Principal PIMT DI Khan.
- II. Principal PHS DI Khan.
- III. Mr. Jan E Alam Senior Clerk (BS-14).
- IV. Mr. Fayaz Gul Junior Clerk (BS-11)

(Dr. Janbaz Afridi)  
Director General (Health)  
PHSA, Khyber Pakhtunkhwa



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**PROVINCIAL HEALTH SERVICES ACADEMY**  
Government of Khyber Pakhtunkhwa  
Health Department



**DISCIPLINARY ACTION.**

1. I, Dr. Janbaz Afridi, Director General Provincial Health Services Academy, as Competent Authority, am of the opinion that Mr. Jan E Alam Senior Clerk Paramedical Institute of Medical Technology (PIMT) D.I.Khan has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meeting of Rules-3 of the Khyber Pakhtunkhwa.

**STATEMENT OF ALLEGATION**

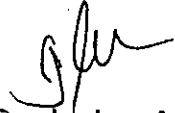
1. Guilty of corruption and
2. Guilty of Misconduct.

2. For the purpose of enquiry against the said accused with reference to the above allegations, an Enquiry Committee, consisting of the following officers is constituted under Rule-10(1)(a) of the (ibid) rules:

- i. Dr. Muhammad Daud, Director (HRD) (BS-20), PHSA Peshawar.
- ii. Dr. Qazi Afsar Anwar, Director (BS-19), PHSA Peshawar.
- iii. Mr. Faiz Muhammad, Librarian (BS-17), PHSA Peshawar.
- iv. Mr. Tofeeq Ullah, Admin & Finance Officer (BS-17), PHSA Peshawar.

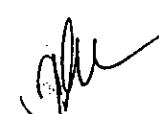
3. The Enquiry Committee will in accordance with the provisions of the rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within 30 days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and well versant representative of Public Health School DI Khan will join the proceeding on the date, time and place fixed by the Enquiry Committee.

  
(Dr. Janbaz Afridi)  
Director General (Health)  
PHSA, Khyber Pakhtunkhwa

No. 42 /PHSA/Admn/ *Enquiry* /2019-20/ 11815-18 Dated: 19/11/2019

- i. Accused, Mr. Jan E Alam Senior Clerk PIMT DI Khan with the directions to appear before the enquiry officer on the date time and place to be fixed by the enquiry officer.
- ii. The officers. The enquiry may please be conducted and your findings and grounds thereof by submitted to the undersigned within 30 days.
- iii. The Principals, PIMT & PHS, DI Khan with the directives to assist the enquiry Officers during the enquiry proceedings. Moreover a well conversant representative of the case may please be nominated as well.

  
(Dr. Janbaz Afridi)  
Director General (Health)  
PHSA, Khyber Pakhtunkhwa



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**PROVINCIAL HEALTH SERVICES ACADEMY**  
Government of Khyber Pakhtunkhwa  
Health Department



**ENQUIRY OFFICER:**

1. In pursuance of Rule 10(1)(a) of the Khyber Pakhtunkhwa Government Servant Efficiency and Discipline Rules-2011 read with Rule-5 of the Rules ibid, the Competent Authority is pleased to appoint the following enquiry committee to conduct enquiry proceedings against Mr. Jan E Alam Senior Clerk (BS-14) PIMT DI Khan:

- i. Dr. Muhammad Daud, Director (HRD), (BS-20) PHSA Peshawar..
- ii. Dr. Qazi Afsar Anwar, Director, (BS-19). PHSA Peshawar.
- iii. Mr. Faiz Muhammad, Librarian, (BS-17). PHSA Peshawar.
- iv. Mr. Tofeeq Ullah, Admin & Finance Officer, (BS-17) PHSA Peshawar.

2. The enquiry shall be conducted in accordance with the provisions of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011 on day to day basis without interruption and the report shall be submitted to the undersigned within 10 days of conclusion of the enquiry proceedings.

3. Copies of the charge sheet and statement of allegations served upon the accused official are enclosed herewith.

ENCL: As above.

(Dr. Janbaz Afridi)  
Director General (Health)  
PHSA, Khyber Pakhtunkhwa

No. 44 /PHSA/Admnl Enquiry /2019-20/ 11819-25 Dated: 14/11/2019

- I. Dr. Muhammad Daud (BS-20), Dr. Qazi Afsar Anwar (BS-19), Mr. Faiz Muhammad (BS-17) and Mr. Tofeeq Ullah (BS-17) enquiry officers.
- II. Dr. Ihsan Waheed Principal PIMT DI Khan with the directives to appoint an officer well conversant with the case to assist the enquiry officer during the enquiry proceedings.
- III. The Principal PHS DI Khan with the directives to appoint an officer well conversant with the case to assist the enquiry officer during the enquiry proceedings.
- IV. Accused, Mr. Jan E Alam Senior Clerk PIMT DI Khan with the directions to appear before the enquiry officer on the date time and place to be fixed by the enquiry officer.

(Dr. Janbaz Afridi)  
Director General (Health)  
PHSA, Khyber Pakhtunkhwa

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7/07/2020  
Gov. Health Services Academy  
Department of Health  
Govt. of KPK Peshawar

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INQUIRY REPORT

IN FAKE APPOINTMENT ORDER OF MR. MUHAMMAD MUZAMMIL S/O MR MUHAMAMD HASHIM EX-CHOWKIDAR AT PUBLIC HEALTH SCHOOL D.I.KHAN

A--BACKGROUND

An appointment was made against the post of Chowkidar BS-03, at Public Health School (PHS) D.I. Khan, vide a fake appointment order No.F-05/Admn/App-IV/8068-73 dated: 09/08/2019 which was allegedly issued by the PHSA Peshawar. It was having a dispatch number and date which was not coincident with the official dispatch register of the PHSA. It was allegedly signed by the DG, PHSA, who himself was not aware about it. The game was played between Mr. Muhammad Hashim ex-Chowkidar of PHS D.I.Khan, who was interested in the appointment of his son Mr. Muhammad Muzammil against retired son quota; Mr. Fayaz Gul Junior clerk of the PHS; Mr. Jan-e-Alam Senior clerk of Paramedical Institute of Medical Technologies (PIMT) D.I.Khan; some official/s of District Accounts Office (DAO) D.I.Khan and possibly one or more persons from PHSA Peshawar. A deal was done between Mr. Muhammad Hashim on one hand and Mr. Fayaz Gul on the other for a sum of PKR 300000/-. Mr. Jan-e-Alam played the role of middle man. The name(s) of the persons from PHSA Peshawar and that/those from DAO D.I.Khan are not exposed.

The fake appointment order was prepared and delivered at PHS D.I.Khan. Mr. Muzammil submitted his arrival and started working. Newly appointed DDO of PHS, Ms. Bibi Sajida forwarded the said appointment order to PHSA for verification. While the same was submitted to the DG PHSA, he got suspicious. On verification it was found that the appointment order was having fake dispatch number and the signatures of the DG PHSA were appended after scanning from other documents.

The DG PHSA constituted an inquiry committee for preliminary investigations of the case. The inquiry committee declared that the order was fake. Mr. Fayaz Gul and Mr. Jan-e-Alam were found involved in the case. The committee recommended initiation of proper disciplinary proceedings against both of them.

*[Handwritten signature]*

Relying upon the recommendations of the committee, the DG PHSA suspended both the officials, issued charge sheets and constituted a fact-finding inquiry to proceed further.

**B- INQUIRY COMMITTEE AND ITS AUTHORIZATION**

The inquiry committee comprised of the following:

- |   |          |
|---|----------|
| Dr. Muhammad Daud, Additional Director General (BS-20)      | Chairman |
| Dr. Qazi Muhammad Afsar, Director (BS-19)                   | Member   |
| Mr. Taufiqullah, Administrative and Finance Officer (BS-17) | Member   |
| Mr. Faiz Muhammad, Librarian and Litigation Officer (BS-17) | Member   |

Ms. Bibi Sajida, Principal was deputed as well conversant person during the proceedings.

The committee was entrusted vide orders No. 42/PHSA/Admn/Enquiry/2019-20/11815-18 Dated 14/11/2019 and No. 44/PHSA/Admn/Enquiry/2019-20/11827-29 Dated 14/11/2019 of the office of the DG PHSA.

**C- PROCEEDINGS**

Questionnaires were prepared for the following persons, for recording their statements and cross examinations:

- 1- Mr. Jan-e-Alam, Senior Clerk PIMT D.I.Khan, the accused.
- 2- Mr. Fayaz Gul, Junior Clerk PHS, D.I.Khan, the accused.
- 3- Mr. Muhammad Hashim, Ex-Chowkidar and father of Mr. Muhammad Muzammil.
- 4- Mr. Muhammad Muzammil, Alleged Chowkidar appointed vide fake appointment order.
- 5- Ms. Bibi Sajida, Principal of PHS D.I.Khan.
- 6- Mr. Muhammad Usman, nephew / representative of Mr. Muhammad Hashim.

Mr. Muzammil did not appear before the inquiry committee when summoned at the PHSA but he appeared during the visit of the inquiry committee to

*[Handwritten signature]*

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D.I.Khan. His father, Mr. Muhammad Hashim passed away before the proceedings. One Mr. Muhammad Usman, nephew of Mr. Muhammad Hashim presented himself along with Mr. Muzammil as representative of Muhammad Hashim. His statement was also recorded.

**D- FINDINGS**

**(a) EXAMINATION OF RECORD**

The following record was examined:

- 1- Appointment order of Mr. Muzammil.
- 2- Forwarding letter of the Principal PHS D.I.Khan to DG PHSA in which she requested verification of the appointment order.
- 3- Forwarding letter of the Principal PHS D.I.Khan along with arrival report of Muzammil, his service book and source-I, to DAO D.I.Khan for activation of his salary.
- 4- Letter of the DAO office about return of the documents stated above to Mr. Jan-e-Alam.
- 5- Dispatch register of the PHSA Peshawar.
- 6- Written statement of Jan-e-Alam, along with annexures.
- 7- Written statement of Fayaz Gul along with annexures.
- 8- Written statement of Bibi Sajida along with annexures.
- 9- Written statement of Muhammad Usman, representative of Mr. Muhammad Hashim along with annexures.

**(b) EXAMINATION OF THE ACCUSED AND OTHER RELAVANT PERSONS**

**1. GLIMPSES OF THE STATEMENT OF MR. JAN-E-ALAM**

- a. Mr. Jan-e-Alam stated that he played the role of middle man in the deed between Mr. Muhammad Hashim and Mr. Fayaz Gul regarding appointment of Mr. Muhammad Muzammil for a sum of rupees 300000/- against the post of Chowkidar which was vacated by his father on his retirement on superannuation. For his role in the deed, he received nothing as his share or commission.

*[Handwritten signature]*



H/C

- b. He knew that it was an unfair game. He confessed that he was at fault.
- c. He told that Mr. Fayaz Gul promised with Mr. Muhammad Hashim that he would bring appointment order of Muzammil from PHSA on the strength of which, Muzammil would be posted as Chowkidar. However, he would receive Rs. 300000/- There was no written record of the deed. He told that Fayaz Gul brought a fake appointment order from PHSA Peshawar on the strength of which Muzammil submitted his arrival report and started performing his duties. At that time there was no DDO of PHS. Later when Mrs. Bibi Sajida was given the charge of DDO, Mr. Fayaz Gul prepared source-1 for starting his salary and submitted it to the office of the district accounts officer D.I.Khan.
- d. The DDO sent a letter to the office of the DG, PHSA for information and verification of the alleged appointment letter. In the office of the DG PHSA, the letter was proved to be fake and the DDO was advised to immediately stop the salary of Mr. Muzammil.
- e. When Mr. Hashim came to know that the unfair efforts did not remain fruitful, he demanded back the money paid to Mr. Fayaz Gul who straight away denied. As Mr. Jan-e-Alam was the guarantor, he paid Rs.210000/- to Mr. Muhammad Hashim from his own pocket. Later when Mr. Hashim died, he gave a further sum of Rs. 10000/- to family members of Hashim. So, he paid back a total of Rs.220000/- and the remaining sum of Rs. 80000/- were yet to be paid in the form of installments.
- f. He denied that he himself brought the appointment order from PHSA Peshawar and delivered it to the DDO of PHS D.I.Khan.
- g. He never carried the salary papers of Muzammil from PHS to DAO D.I.Khan, nor he received these back nor was he involved in misplacement of these papers.
- h. The DAO office submitted in writing that Mr. Jan-e-Alam carried away the salary papers of Mr. Muzammil which were submitted by Mr. Fayaz Gul for approval and release of his salary.

*[Signature]*

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- i. Mr. Jan-e-Alam disclosed that Mr. Fayaz Gul remained involved in demanding/receiving Rs. 25000/- from Dr. Amjad Ghias for facilitating his posting as DHO D.I.Khan; Rs. 25000/- from Mr. Salahuddin Gandapur, husband of Ms. Zubaida ex- Principal School of Nursing D.I.Khan for clearance of her withheld leave encashment at the time of her retirement and Rs. 10000/- from Mr. Riaz cook for his posting within D.I.Khan at the time of his promotion as junior clerk.

**2. SERVICE TRACK RECORD OF MR JAN-E-ALAM, SENIOR CLERK**

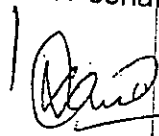
- a. On 01/10/1987, he was appointed as Naib Qasid in the office of the commissioner Peshawar vide order No.9244/F dated 01/10/1987 of the office of the commissioner Peshawar. He worked as Naib Qasid, Mali and Chowkidar during his stay at that office.
- b. His services were handed over to the PHSA Peshawar vide order No. 4395-03/DCO (P) EA dated 15/11/2001. Up to 31/01/2011 he served as class-IV at Postgraduate College of Nursing (PGCN) Peshawar, School of Nursing (SON) HMC Peshawar and SON Kohat.
- c. He was promoted to the post of Junior Clerk (BPS-07) by order No. 1-13-18/PHSA/F-03 dated 31/01/2011 of the office of the Director PHSA. He was transferred to PHS D.I.Khan vide order No.05/PHSA/2010-11/P&T/2396-2404 dated 02/06/2011.
- d. He was further promoted to the post of Senior Clerk (BPS- 09) on acting charge basis vide order No. F-28/PHSA/Admn/Promotion/2012-13/2971-95 dated 09/05/2013 of the office of the Director PHSA. Later he was promoted to the post of senior clerk on regular basis vide order No. 28/PHSA /Admn/Promotion Class III/2015-16 dated 14/07/2016 of the office of Director PHSA Peshawar and was posted at SON D.I.Khan.
- e. He was transferred to PIMT D.I.Khan vide order No.F-03/PHSA/Admn/P&T-Class-III/2016-17/5124-29 dated 30/10/2016 where he is serving till date.



f. His reputation amongst his colleagues and within the department was not good. During the inquiry proceedings at PHS D.I.Khan it was felt that most of the class IV employees of PHSA network working in D.I.Khan were afraid of him and nobody was ready to disclose anything adverse against him. Even his present boss Dr. Ehsan Waheed, Principal PIMT D.I.Khan was not satisfied with his performance as he (Jan- Alam) was not reliable and trustworthy. Surprisingly in the presence of a senior clerk (Jan-e-Alam) most of the responsibilities of the office had been assigned to one class IV, Mr. Mulazam Hussain.

**3. GLIMPSSES OF THE STATEMENT OF MR. FAYAZ GUL, JUNIOR CLERK**

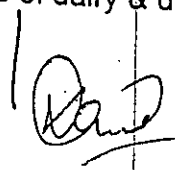
- a. He told that consequent upon his promotion as Junior Clerk, he was posted at PHS D.I. Khan. By any means he was not involved in this case nor did he receive any money in this regard. He never signed any written deed, contract, judicial stamp paper or otherwise.
- b. He did not know that the ibid appointment order was fake.
- c. All the judicial stamp papers submitted by Jan-e-Alam were unauthentic and not effective against him, at any forum.
- d. All the allegations, whatsoever, leveled against him by Jan-e-Alam were up to the effect of accusations and he (Jan-e-Alam) had no authentic prove in favor of his claims.
- e. He never received any money regarding appointment of Muzammil nor became part of any deal whatsoever.
- f. The fake appointment order in respect of Mr. Muzammil was brought to PHS by Mr. Jan-e-Alam and Mr. Muhammad Hashim and was handed over to him (Mr. Fayaz Gul) for further processing.
- g. He prepared the salary papers (arrival report, source- and entry in service book etc.) of Muzammil, got these signed by the DDC and submitted the same in DAO office D.I. Khan on 06/09/2019 for approval and release of his salary.
- h. Mr. Jan-e-Alam threatened him of murder vide a telephonic call from the land line phone of PIMT D.I.Khan about which he had informed the Principal under intimation to the DG PHSA Peshawar.



- i. He did not know how Mr. Jan-e-Alam and Mr. Muhammad Hashim succeeded in getting the appointment order in favor of Mr. Muzammil nor did he know who prepared the fake order.
- j. He admitted that he received arrival report of Mr. Muzammil, prepared his service book, and source-I of his salary and submitted these in the office of the DAO D.I.Khan on 6<sup>th</sup> of September 2019 for release of the salary.
- k. These papers were unauthorizedly received back from DAO office D.I.Khan on 14<sup>th</sup> September 2019 by Mr. Jan-e-Alam who later on deliberately misplaced these.
- l. He agreed that at least one person each from PHSA, PHS D.I.Khan and DAO office D.I.Khan was definitely involved in this game of fake appointment. It was impossible to commit such a big act of forgery without such collusion. However, he did not disclose any name. Self-stated that Mr. Jan-e-Alam and Mr. Muhammad Hashim were well aware of such persons because during this game Mr. Muhammad Hashim telephonically contacted multiple people. Such conversations were recorded and saved in mobile phone of Mr. Muhammad Hashim which, after his death, was in the custody of his son Mr. Muzammil. Muzammil played such recorded conversations before the preliminary inquiry committee as well.
- m. He denied that he was ever involved in any deal with Mr. Salahuddin Gandapur, Dr. Amjad Ghias or Mr. Riaz and never received any money from them whatsoever.

**4. SERVICE TRACK RECORD OF MR FAYAZ GUL**

- a. He was appointed as Muslim Sweeper on fixed pay for six months duration at PHSA Peshawar vide order No. 3635-38/M-6/Estt; PHSA dated 28/05/2004 of the Director PHSA Peshawar. When and how his services were regularized was not known.
- b. He was promoted to the post of Computer Lab. Assistant (BPS-07) vide order No.2244-047/PHSA/F-3 dated 14/05/2011 of the Director PHSA and was posted at PHSA Peshawar. Having appointed against that post, he had been performing duties of dairy & dispatch clerk.



- c. He was further promoted to the post of junior clerk (BPS-11) vide order No.28/Admn/PHSA/Promotion/Class-III/2018/9262-67 dated 27/09/2019 of the DG PHSA Peshawar and was posted at PHS D.I.Khan. His promotion was on the basis of 33% quota seats from class IV employees, whereas he was not a class IV meaning there by he was not having any right of promotion under 33% quota of class IV. The PHSA seeked the opinion of law Department through secretary health regarding promotion of Mr. Fayaz Gul vide letter No.28/Admn/Promotion File/2194-95 dated 14/05/2019. In this matter the record of the PHSA stands silent and needs investigation.
- d. He remained a party of court cases multiple times for gaining right or wrong benefits of his promotion and otherwise. All such cases need thorough investigation.
- e. He served at PHSA Peshawar for quite a long duration, had deep roots in the PHSA and was well aware of the persons and systems of PHSA.
- f. He seemed to be quite a clever person and had left no documentary proves of his alleged unfair activities.

**5. STATEMENT OF MR USMAN SHAHEEN. (RELATIVE OF LATE MR MUHAMMAD HASHIM)**

- a. He stated that Mr. Muhammad Hashim himself told him many things regarding appointment of Mr. Muzammil and many a times he accompanied Muhammad Hashim during different events.
- b. Mr. Muhammad wished that his son, Mr. Muzammil might be appointed against son quota. For that purpose, he paid Rs. 300000/- to Mr. Jan-e-Alam who gave this money to Mr. Fayaz Gul for distribution amongst the persons involved in the process.
- c. On the day when Mr. Muhammad Hashim came to know that the appointment order was fake, he contacted Jan-e-Alam who called him to a shop near Bloch Hotel. Usman Shaheen accompanied Mr. Muhammad Hashim. Ali driver of PHS was also present there with Jan-e-Alam. There Mr. Jan-e-Alam paid Rs.130000/- to Mr. Muhammad Hashim and promised to pay the remaining money in installments.

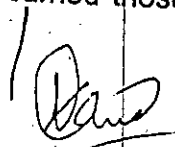


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- d. Mr. Muhammad Hashim further told him that he (Mr. Muhammad Hashim) withdrew Rs. 300000/- from his account in National Bank vide cheque No.5955191 on 02/07/2019 for payment to Jan-e-Alam. He attached photocopy of bank statement showing debit of the same money from the said account on the said date.
- e. After a few days, Mr. Jan-e-Alam called him to PIMT D.I.Khan and handed him over the appointment order in favor of Mr. Muzammil.
- f. He told that Mr. Muzammil has lodged a civil suit in the lower court at D.I.Khan for his right and has also submitted an application in anti-corruption establishment office at D.I.Khan against this fraudulent case.

**6. STATEMENT OF Ms. BIBI SAJIDA, PRINCIPAL PHS D.I.KHAN**

- a. She stated that she was appointed as DDO of PHS D.I.Khan on 03/09/2019 vide order No. 79/PHSA/Acct/P&T/2018-19/10478 dated 03/09/2019 of the DG PHSA. She took charge of the seat on 04/09/2019.
- b. On 06/09/2019, Mr. Fayaz Gul brought papers of Mr. Muzammil to her office for forwarding these to the DAO office and requested her to expedite this task so that the salary of the poor might start earlier.
- c. On 12/09/2019, she was called for a meeting at PHSA. There she came to know that appointment order of Mr. Muzammil was fake. The DG PHSA directed her not to start his salary and to withdraw the papers from DAO office if she had already done so. She telephonically contacted Mr. Atullah, the DAO D.I.Khan and requested him to stop the salary of Mr. Muzammil. In response the DAO demanded written request for this purpose. On 13/09/2019/ she reached D.I.Khan and sent written request to the DAO.
- d. The same day she sent the allegedly fake order of Mr. Muzammil to PHSA for verification.
- e. She demanded back source-I and service book of Mr. Muzammil from the DAO. Mr. Naeem, diary and dispatch clerk of DAO office D.I.Khan told her that Mr. Jan-e-Alam had already carried those papers. Later,



on 18/09/2019, the DAO office D.I.Khan gave a written statement as well to that effect.

- f. She had already presented herself before the inquiry committee for preliminary investigations along with Fayaz Gul, Jan-e-Alam and Muhammad Hashim on 24/09/2019 at PHSA, Peshawar.


**7- SUPPORTIVE FINDINGS**

a. During the pendency of the present inquiry, another fake appointment case in respect of Mr. Ali Haider appointed as Bearer at the same Public Health School D.I. Khan since 15.10.2018, also surfaced for which a preliminary inquiry was ordered vide Director General, Provincial Health Services Academy Peshawar letter no. 42/PHSA/Admn/inquiry/2019-20/11808-13 dated 14.11.2019. It is pertinent to mention here that both Mr. Jan-e-Alam Senior Clerk and Mr. Fayaz Gul Junior Clerk were accused by Mr. Ali Haider for the same charges as per findings of the preliminary inquiry proceedings till date.

b. The above identical case shows that both the employees i.e. Jan-e-Alam and Mr. Fayaz Gul, have been part of collusion and their conduct remained unbecoming of a gentleman.

**E- CONCLUSIONS**

- 1. The appointment letter of Mr. Muzammil as Chowkidar PHS D.I. Khan proved to be fake beyond any reasonable doubt, and was a result of collusion amongst Mr. Muhammad Hashim ex- Chowkidar of PHS D.I.Khan, Mr. Jan-e-Alam Senior Clerk PIMT D.I.Khan, Mr. Fayaz Gul Junior Clerk PHS D.I.Khan, possibly one or more persons from DG office PHSA Peshawar, possibly one or more persons from D.A.O office D.I.Khan and possibly anyone else.
- 2. Mr. Muhammad Hashim definitely paid Pak. Rs. 300000/- (Three Lacs only) as received by Mr. Jan-e-Alam for appointment of his son at PHS D.I. Khan. This money was distributed among Mr. Jan-e-Alam, Mr. Fayaz Gul and other possible persons.



- 3- When the fakeness of the appointment order was disclosed! Mr. Muhammad Hashim demanded back his money, major portion of which had been paid back by Mr. Jan-e-Alam. Still some amount was lying outstanding against the accused persons. However, this department has nothing to do with such payments, the matter being concern of the parties.
- 4- Mr. Jan-e-Alam, Senior Clerk confessed to receive the amount on behalf of Mr. Fayaz Gul and hence proved beyond any reasonable doubt to be guilty of corruption and misconduct under sub-rule (1), clause (g) and (l) of rule 2 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and rule 4A of the Government of Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987 and is liable to be awarded major penalty under the rules ibid.
- 5- Based on sufficient oral evidence, series of events, manipulation of record and his service track record, the enquiry committee is satisfied of the collusion and to declare Mr. Fayaz Gul, Junior Clerk guilty of corruption and misconduct under sub-rule (1), clause (g) and (l) of rule 2 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and rule 4A of the Government of Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987 and is liable to be awarded major penalty under the rules ibid.
- 6- Recently, another identical case of fake appointment from 2018 in respect of Mr. Ali Haider, surfaced in the same institute also points to the same two employees with the same charges.
- 7- There are certain employees posted in office of the DG PHSA at Peshawar who are habitually involved in the act of forgery and manipulation of the record.

**RECOMMENDATIONS**


- 1- Mr. Muzammil has got a right to be appointed against any appropriate post against retired-son quota on his turn as per rules.
- 2- Mr. Jan-e-Alam, Senior Clerk (BPS-14) may be awarded major penalty of removal from service under sub-rule (1), clause (b), sub-clause (iii) of rule 4 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

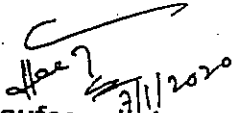
*[Signature]*

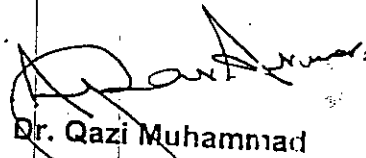



~~97/6~~

- 3- Mr. Fayaz Gul, Junior Clerk (BPS-11) may be awarded major penalty of removal from service under sub-rule (1), clause (b), sub-clause (iii) of rule 4 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.
- 4- Mr. Muhammad Hashim has already passed away, hence nothing is recommended against him or in his favor.
- 5- Investigation may be conducted to find out the culprits within the office of the DG PHSA Peshawar who are habitually involved in the act of forgery to prevent such untoward future events.
- 6- Investigations may be conducted to find out cases of similar nature of fake appointments in all the institutes of PHSA network.

  
Mr. Faiz Muhammad  
Librarian (BPS-17),  
PHSA

  
Mr. Tafteequllah  
Administrative Officer  
(BPS-17), PHSA

  
Dr. Qazi Muhammad  
Afsar Director (BPS-19),  
PHSA

  
Dr. Muhammad Daud  
Additional Director  
General (BPS-20),  
PHSA



P-23  
**PROVINCIAL HEALTH SERVICES ACADEMY**  
Government of Khyber Pakhtunkhwa  
Health Department



Hc A/7

**SHOW CAUSE NOTICE**

I, Dr. Janbaz Afridi, DG PHSA Peshawar as Competent authority under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, do hereby serve upon you, Mr. Jan-e Alam, Senior Clerk BPS-14, posted at Paramedical Institute of Medical Technology, Dera Ismail Khan, as follows: -

- (i) That consequent upon the completion of inquiry conducted by the inquiry committee so constituted under Rule 10 of E&D Rules 2011 against you, for which you were given opportunity of hearing.
- (ii) On going through the findings and recommendations of the inquiry committee, the material on record and other connected papers including your defense before the inquiry committee, I am satisfied that you have committed the following acts/omissions specified in rule 3 of the rules ibid.:

- a. **Guilty of Corruption; and**  
b. **Guilty of Misconduct.**

2. As a result, thereof, I, as competent authority, have tentatively decided to impose upon you the following penalty under sub-rule (1), clause (b), sub-clause (iii) of Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011: -

**Removal from Service.**

3. You are therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within seven days of its delivery, it will be presumed that you have no defense to put in, and in that case an ex-parte action will be taken against you.

**Director General**  
PHSA, Peshawar Khyber Pakhtunkhwa

No. 42/PHSA/Admn/*Inquiry* (2019-20) B3-88

Dated: 08-01-2020

**Copy forwarded to the: -**

- 1- Members Inquiry Committee.
- 2- Principal PIMT, D.I. Khan.
- 3- District Accounts Officer, Dera Ismail Khan.
- 4- Mr. Jan-e Alam, Senior Clerk BPS.14, Paramedical Institute of Medical Technology, Dera Ismail Khan.
- 5- Personal file.
- 6- Record.

**Director General**  
PHSA, Peshawar Khyber Pakhtunkhwa

P-24

A/8

To,

Director General,  
PHSA, Khyber Pakhtunkhwa.

Subject:- REPLY TO SHOW CAUSE NOTICE.

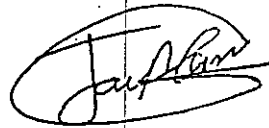
Reference No. 42/PHSA/Admn/Inquiry/2019-20/83-88

Dated: 08/01/2020 On The Subject Noted Above.

Respectfully Stated,

1. That the undersign throughout his career has remained obedient of his superior officers.
2. That throughout my service non of my single has ever made a complaint against me regarding a single penny embezzlement.
3. That there is no reference to any embezzlement of government finance in the instant show cause notice, if any, may kindly be provided to the undersign so that a proper reply in the light of same is submitted before your good self.

Hence it is requested to please withdraw the instant show cause notice in the light of above reply.



Pir Jan Alam  
Senior Clerk  
PIMT, D.I.Khan



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**PROVINCIAL HEALTH SERVICES ACADEMY**  
Government of Khyber Pakhtunkhwa  
Health Department



A/9

No. 42/PHSA/Admn/*Inquiry* /2019-20/ 651-63 Dated: 29/01/2020

To

1. Mr. Pir Jan e Alam Senior Clerk, PIMT D.I.KHAN.  
2. Mr. Fayyaz Gul Junior Clerk, PHS D.I.KHAN.

Subject: PERSONAL HEARING

Memo,

Reference to the show cause notice served upon you on charges of misconduct & corruption and, on submission of your reply to the same, the Undersigned desires to hear you in person on Thursday, 10:00am, 6<sup>th</sup> February, 2020.

In this connection you are hereby directed to make yourself available before the undersigned on above mentioned date and time **POSITIVELY**.

S/d\*\*\*\*\*  
Director General (Health)  
PHSA, Khyber Pakhtunkhwa

No. 42/PHSA/Admn/*Inquiry* /2019-20/ 651-63 Dated: 29/01/2020  
Copy for information;

- 1) Director HRD, PHSA, Peshawar.
- 2) Director Administration, PHSA, Peshawar.
- 3) Director Paramedics, PHSA, Peshawar.
- 4) Principal PIMT, D.I.Khan, with the request to relieve the official for personal hearing.
- 5) Deputy Director (Admin), PHSA, Peshawar.
- 6) Vice Principal, PHS D.I.Khan, with the request to relieve the official for personal hearing.
- 7) Librarian, PHSA, Peshawar.
- 8) Admin-officer -II, PHSA, Peshawar.
- 9) Account officer, PHSA, Peshawar.
- 10) Inquiry Committee Members.
- 11) P.A to Director General, PHSA, Peshawar.
- 12) Official Concerned.
- 13) Personal file.

*[Signature]*  
Director Management  
PHSA, Khyber Pakhtunkhwa



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**PROVINCIAL HEALTH SERVICES ACADEMY**

Government of Khyber Pakhtunkhwa  
Department of Health



F. No. 42/ PHSA/Admin/Enquiry/2019-20/1128-32

Dated: 21.02.2020

Mr. Pir Jan Alam  
Senior Clerk (BPS-14)  
Paramedical Institute of Technologies (PIMT)  
Dera Ismail Khan

**SUBJECT: OFFICE ORDER REGARDING REMOVAL FROM SERVICE**

**WHEREAS** Principal, Public Health School (PHS) D.I.Khan forwarded and enclosed an appointment order bearing No. F-05/Admn/App-IV/6068-73 dated 09/08/2019 of PHSA and respective arrival report of Mr. Muzamil S/o Mr. Muhammad Hashim ex-chowkidar vide their letter No. 1086/PHS-DIK/Admn: dated 14.09.2019 for verification and guidance;

**AND WHEREAS** the undersigned after thoroughly checking its record, found that no such order is issued from this office. Therefore, the office of undersigned informed Principal, Public Health School (PHS) D.I.Khan accordingly vide letter No. 42/PHSA/Admin/Inquiry/2019-20/10937-38 dated 27.09.2019;

**AND WHEREAS** the office of undersigned ordered a preliminary inquiry on 17.09.2019 to find facts into the reference appointment order;

**AND WHEREAS** the preliminary committee submitted its report on 02.10.2019;

**AND WHEREAS** in light of findings of the preliminary Inquiry report, the reference appointment order is found to be fake, evident from the written statement of the then signatory;

**AND WHEREAS** disciplinary proceedings were initiated on 14.11.2019 on account of your alleged involment in corruption and misconduct;

**AND WHEREAS** subsequently, a disciplinary inquiry was ordered on 14.11.2019;

**AND WHEREAS** the disciplinary inquiry committee submitted its final report with recommendations on 07.01.2020;

**AND WHEREAS** in light of the disciplinary committee's findings, the charges leveled agianst you were proved and you were found guilty of corruption and misconduct under sub-rule (1), clause (g) and (l) of rule 2 of the Khyber Pakhtunkhwa Government Servants (Efficinecy and Discipline) Rules, 2011 framed under section-16 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with mis-conduct in terms of rule 4A of conduct rules 1987 made under the provision of section 15 of the Khyber Pakhtunkhwa Civil Servants Act, 1973.

Address: Near Northren Bypass, Dauranpur, Peshawar, Ph:091-2614223-5, Fax:091-26143609

Website: [www.phsa.edu.pk](http://www.phsa.edu.pk)

Email: [info@phsa.edu.pk](mailto:info@phsa.edu.pk)



P-27  
**PROVINCIAL HEALTH SERVICES ACADEMY**

Government of Khyber Pakhtunkhwa  
Department of Health



Therefore the undersigned issued respective show cause notice as duly communicated to you, tentatively imposing the major penalty i.e. Removal from Service on 08.01.2020;

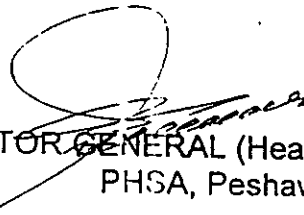
**AND WHEREAS** you submitted your reply to the show cause notice on 17.01.2020;

**AND WHEREAS** your reply was found unsatisfactory and it was decided to hear you in person, in order to provide you fair opportunity of personal hearing;

**AND WHEREAS** your personal hearing with the undersigned was held on 07.02.2020;


**AND WHEREAS** you failed to provide any other evidence new to what you had presented to the inquiry committee;

**AND NOW THEREFORE** I, Dr. Muhamamd Ayub Rose, Director General (BPS-20) PHSA, Peshawar, after having considered charges and evidence on record thereby in exercise of the power conferred under sections 16 of *The Khyber Pakhtunkhwa Civil Servant Act, 1973 read with section 15 accordingly* as the rules made thereunder i.e. Khyber Pakhtunkhwa Government Servants (E&D) Rules 2011 under clause (ii), sub rule (5) of Rule 14, being the competent Authority has been pleased to impose upon you the major penalty as specified in sub-rule(1), clause(b), Sub-Clause(iii) of rule-4 i.e. to remove you, Mr. Pir Jan Alam BS-14, Senior Clerk PIMT D.I.Khan, from service with immediate effect.

  
DIRECTOR GENERAL (Health)  
PHSA, Peshawar

**Endorsement of Even No. & Date:**

1. Principal Paramedical Institute of Medical Technologies (PIMT), D.I.Khan.
2. District Accounts Officer, Dera Ismail Khan.
3. IT In-charge PHSA.
4. PS to Secretary Health, Khyber Pakhtunkhwa.

  
DIRECTOR GENERAL (Health)  
PHSA, Peshawar

Address: Near Northren Bypass, Dauranpur, Peshawar, Ph:091-2614223-5, Fax:091-26143609

Website: [www.phsa.edu.pk](http://www.phsa.edu.pk)

Email: [info@phsa.edu.pk](mailto:info@phsa.edu.pk)

BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

Service Appeal No, 5690/2020

Pir Jan Alam, Ex-Senior Clerk  
Paramedical Institute of Technology (PIMT) Dera Ismail Khan

.....Appellant

Versus

- 1. The Secretary Health Department Government of Khyber Pakhtunkhwa
- 2. Director General Provincial Health Services Academy, Budni Road Doranpur Peshawar.
- 3. Principal Paramedical Institute of Technology Dera Ismail Khan.
- 4. Principal, Public Health School Dera Ismail Khan.

.....Respondents

**AFFIDAVIT**

I Mr. Faiz Muhammad Litigation Officer PHSA, do hereby solemnly affirm and declare that the contents of parawise reply on behalf of respondent No.4 to the instant service appeal is true and correct to the best of my knowledge and belief,

DEPONENT

17301-1376838-1

Identified by:

Additional Advocate General  
KP Service Tribunal Peshawar.



PROVINCIAL HEALTH SERVICES ACADEMY  
HEALTH DEPARTMENT  
GOVERNMENT OF KHYBER PAKHTUNKHWA



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F.No. 43 /PHSA/LITIGATION/ 2613

Date: 13/11/2020

Secretary to Government of KP  
Health Department, Peshawar

Subject: Authority in Service Appeal No. 5690/2020 Titled "Pir Jan Alam Vs Government"

Sir,

With reference with your goodself office letter no.SOH(Lit-II)/13-4481/2020 dated: 10.08.2020 on subject appeal, Mr. Faiz Muhammad, Litigation Officer PHSA is pleased to be deputed as departmental representative and to assist the law officer representing the Government in the court on each date of hearing.

  
DIRECTOR GENERAL  
PHSA, Peshawar

Copy forwarded for information to:

1. Registrar, KP Service Tribunal Peshawar
2. AAG, Service Tribunal Peshawar
3. S.O-III, Health Department Peshawar



**BEFORE THE HON'BLE SERVICE TRIBUNAL, PESHAWAR**

**Service Appeal No. 5690/2020**

Pir Jan Alam Ex-Senior clerk  
Paramedical Institute of technology PIMT Dera Ismail Khan

..... Appellant

Versus

1. The Secretary Health Department, Government of Khyber Pakhtunkhwa
2. Director General Provincial Health Services Academy, Doranpur Peshawar
3. Principal Paramedical Institute of Medical Technologies, Dera Ismail Khan
4. Principal Public Health School, D.I. Khan

..... Respondents

**COMMENTS SUBMITTED BY RESPONDENT NO.3:**

**Respectfully Sheweth:**

I, as respondent no.3, totally relied upon the para-wise comments submitted by Respondent No.1 and 2 accordingly.

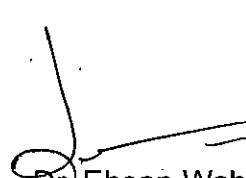
Principal 

Para Medical Institute of Medical Technologies, D.I. Khan

(Respondent No.3)

**AFFIDAVIT:**

I, Dr. Ehsan Waheed CNIC No. 12101-4284193-7 hereby solemnly affirm that the contents of my submission before the Honorable Service Tribunal Peshawar is at my free will and correct to the best of my knowledge and belief.

  
Dr. Ehsan Waheed

CNIC # 12101-4284193-7


Principal PIMT

D.I.Khan

Before The Chairman Kp/c Peshawar  
Service Tribunal

Pt's Jan Alam - versus - Health Department

I have Received Rupees 1000  
Cost amount in the above mentioned  
Service Appeal No 5690/2020

  
Proceeds when  
Adverse

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.



APPEAL NO. 395/2016

A.P.P. PROVINCE  
Service Tribunal  
Diary No. 374  
Date 13-4-2016

Bakhash Khan Ex-Senior Clerk,  
CTD KPK, Peshawar.

(APPELLANT)

VERSUS

1. The Provincial Police Officer, KPK, Peshawar.
2. The additional Inspector General of Police Headquarter, Peshawar.
3. The Deputy Inspector of Police Headquarter, Peshawar.


(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 21.03.2016, WHEREBY THE DEPARTMENT APPEAL OF THE APPELLANT AGAINST THE ORDER DATED 05.11.2015 HAS BEEN REJECTED FOR NO GROUNDS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 21.03.2016 AND 05.11.2015 MAY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

ATTESTED

  
Secretary, Peshawar

13/4/16

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 395/2016

Date of Institution ... 13.04.2016

Date of Decision ... 01.09.2021



Bakhash Khan Ex-Senior Clerk CTD, Khyber Pakhtunkhwa Peshawar  
... (Appellant)

VERSUS

The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar and two others.  
... (Respondents)

ROEEDA KHAN,  
Advocate

... For Appellant

USMAN GHANI,  
District Attorney

... For Respondents

SALAH-UD-DIN  
ATIQ-UR-REHMAN WAZIR

... MEMBER (JUDICIAL)  
... MEMBER (EXECUTIVE)

**JUDGMENT**

**ATIQ-UR-REHMAN WAZIR MEMBER (E):-** Brief facts of the case are that the appellant while serving as senior clerk in the office of Counter Terrorism Department (CTD) was proceeded against on the charges of theft and was ultimately removed from service vide impugned order dated 05-11-2015, against which the appellant filed departmental appeal dated 01-12-2015, which was rejected vide order dated 21-03-2016, hence the instant service appeal with prayers that the impugned orders dated 05-11-2015 and 21-03-2016 may be set aside and the appellant may be re-instated in service with all back benefits.

Learned counsel for the appellant has contended that the appellant was not treated in accordance with law, hence the impugned orders are illegal, unlawful

**ATTESTED**

02.

*(Signature)*  
District Attorney  
Peshawar

and contrary to the norms of natural justice; that the inquiry so conducted was not in accordance with the prescribed procedure as the inquiry officer did not record statements of the witnesses in presence of the appellant, nor he was given any opportunity to cross-examine witnesses; that the appellant has been condemned unheard and has not been treated in accordance with law; that no proof whatsoever has been brought on record to show that the appellant has stolen the said amount and returned the amount back; that the allegations are totally based on presumptions having no connection with the reality; that the only proof is alleged CCTV footage, where the appellant was shown entering the said office, whereas the appellant was employee of the same office and was supposed to work there and his appearance in CCTV Cameras installed outside the office does not mean that the said amount was stolen by the appellant; that there is no CCTV Camera installed in the office, where the amount was kept, so how it can be ascertained that the allegations leveled against the appellant are true; that as per allegation, there was no duplicate key with the appellant and if so was the case, the complainant too is equally responsible as to why he did not ask for duplicate key at the time of assumption of charge, which was very necessary but the complainant assumed the charge and never talked about any duplicate key till the occurrence; that the respondents badly failed to prove the charges against the appellant.

03. Learned District Attorney appearing on behalf of respondents has contended that the appellant was properly proceeded against by conducting an inquiry and the appellant was afforded every opportunity of defense but the appellant failed to prove his innocence; that during the course of inquiry it was proved beyond any shadow of doubt that the appellant had stolen the amount of Rs. 12 lacs and returned it back to the accountant in the presence of witnesses; that the appellant responded to the charge sheet/statement of allegations as well as to the show cause notice and he was associated in the disciplinary proceedings; that the appellant was afforded opportunity of personal hearing but the appellant could not

**ATTESTED**

*[Handwritten signature]*  
 [Illegible text]

*[Handwritten signature]*

prove his innocence, hence he was awarded major punishment in accordance with law and rule.

04. We have heard learned counsel for the parties and have perused the record. Record reveals that the appellant was serving as accountant in the office of CTD as junior clerk, dealing with disbursement of salaries to the employees. The appellant after transfer relinquished charge of the office on 01-01-2015 and handed it over to complainant Mian Aurangzeb accountant. On 01-04-2015 the complainant encashed salaries of CTD staff amounting to Rs. 21271960/ and kept it in the safe in his office for further disbursement. On 02-04-2015, he noticed that an amount of RS. 12 Lac was missing. On 23-04-2015, the accountant came to know that the said amount has been stolen by the previous accountant (the appellant) as duplicate key of the safe was not handed over by the appellant to him at the time of handing/taking over of the charge. Second presumption of the complainant was that the appellant was seen entering the office after closing hours in CCTV camera, hence the complainant lodged the complaint against the appellant, upon which disciplinary proceedings were initiated against him, but in the meanwhile the complainant claimed that the stolen amount was returned by the appellant.

05. One of the allegation mentioned by the complainant in his complaint is that all keys of the safe were not handed to him by the appellant at the time of handing/taking over. This assertion of the complainant appears to be an after thought story for the reason that no complaint in this respect was made by the complainant to his high-ups till the commission of incident, which took place after about four months of taking over of charge by the complaint as Accountant. So far as the assertion of the complainant regarding the footage of the CCTV Cameras showing entrance of the appellant in the office of the Accountant is concerned, it is a routine practice for employees of an institution that visit is made to office of the Accountant. Moreover, admittedly no CCTV Camera was installed in the office of the Accountant, therefore, the inquiry officer was not right in holding the appellant as culprit of theft,

**ATTESTED**

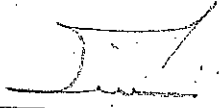
*(Signature)*  
 Mian Aurangzeb  
 Accountant  
 CTD

mere on presumption of his entering the office of Accountant. One of the allegation of the complainant was that the stolen amount has been returned by the appellant but no evidence whatsoever was produced during the inquiry to substantiate this assertion.

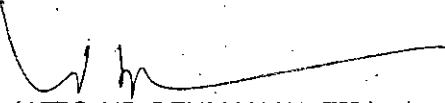
06. The inquiry proceedings were also conducted in slipshod manner. The appellant was not at all provided any opportunity of cross-examining the witnesses produced during the inquiry. The mandatory provision of rule-11 (i) of Government Servants (Efficiency & Disciplinary) Rules, 2011 was violated, thereby causing a prejudice to the appellant. The practice so adopted by the inquiry officer by not providing opportunity of cross-examination to the appellant has been disapproved by the apex court contained in its judgments PLD 1989 SC 335, 1996 SCMR 802, 2018 PLC (CS)997 and 2019 SCMR 640. The inquiry officer has mainly placed reliance on footage of CCTV, however the available record does not show that the same was put to the appellant during the inquiry proceedings. We are of the considered opinion that the respondents have badly failed to prove the allegations leveled against the appellant and have penalized the appellant merely on the basis of presumptions, which however is not warranted under the law/rules.

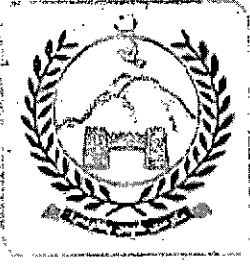
07. In view of the foregoing discussion, the instant appeal is accepted and the appellant is re-instated in service with all back benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED  
01.09.2021

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

*Certified in the true copy*  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)



**KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

No. 916 /ST

Dated: 13-4- /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281  
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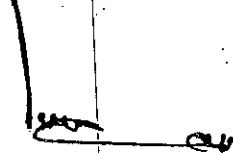
To

The Director General Health Provincial Health Services Academy,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: JUDGMENT IN APPEAL NO. 5690/2020, MR. PIR JAN ALAM

I am directed to forward herewith a certified copy of Judgement dated 18.01.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR